

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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There is adopted the "Columbia Municipal Code 1997," a codification of the general ordinances of the city of Columbia, Illinois, as compiled, edited and published by Book Publishing Company of Seattle, Washington. (Ord. 1604 § 1, 1997)

Section 1.01.020 Title--Citation.

This code shall be known as the "Columbia Municipal Code" and it shall be sufficient to refer to this code as the "Columbia Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or in equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction, or repeal of the "Columbia Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Columbia Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the Code. (Ord. 1604 § 2, 1997)

Section 1.01.030 Reference applies to amendments, corrections and additions.

Whenever a reference is made to this code as the "Columbia Municipal Code" or to any portion thereof, or to any ordinance of the city, codified therein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 1604 § 3, 1997)

Section 1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained therein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section thereof. (Ord. 1604 § 4, 1997)

Section 1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number of otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 1604 § 5, 1997)

Section 1.01.060 Ordinances passed prior to adoption of code.

The last ordinance included in this code was Ordinance No. 1551, enacted by the city council on February 3, 1997. The Columbia, Illinois Subdivision Code, comprising Chapter 34 of the city of Columbia, Illinois 1979 Revised Code of Ordinances adopted April 9, 1979 is in the process of revision and editing. Pending the revision and editing thereof the 1979 Subdivision Code of the city aforesaid, being Chapter 34 of the 1979 Revised Code of Ordinances of the city, is adopted and made part of this code. The following ordinances, passed subsequent to Ordinance No. 1551, enacted February 3, 1997, but prior to adoption of this code, are adopted and made part of this code: Ordinances 1549, 1555, 1565, 1571, 1587, 1588 and 1602. (Ord. 1604 § 6, 1997)

Section 1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed to the prior effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance of the city. (Ord. 1604 § 7,

1997)

Section 1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code, which shall be read and applied as if the invalid or unconstitutional provisions were struck from the code and the syntax changed accordingly. (Ord. 1604 § 8, 1997)

Section 1.01.090 References to prior code.

References in city forms, documents and regulations to the chapters and sections of the former 1979 Revised Code of Ordinances of the city of Columbia, Illinois shall be construed to apply to the corresponding provisions contained within this code. (Ord. 1604 § 9, 1997)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	Definitions.
1.04.020	Interpretation of language.
1.04.030	Grammatical interpretation.
1.04.040	Acts by agents.
1.04.050	Prohibited acts include causing and permitting.
1.04.060	Computation of time.
1.04.070	Construction.
1.04.080	Repeal shall not revive any ordinances.
1.04.090	The seal.
1.04.100	Bench mark.
1.04.110	Trivial suits.
Section 1.04.010	Definitions.

The following words and phrases, whenever used in the ordinances of the city of Columbia, Illinois, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to be used in such words or phrases:

"City" means the city of Columbia, Illinois, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

"City code" means this code of ordinances and all amendments thereto.

"Council" means the mayor and aldermen of the city of Columbia, Illinois. "All its members" or "all council members" means the mayor and aldermen of the city holding office.

"County" means the county of Monroe or the county of St. Clair, in the state of Illinois, as the context requires. The city is located in both counties.

"Illinois Compiled Statutes" means the 1992 Compiled Statutes of the state of Illinois or the latest edition thereof.

"Law" denotes applicable federal law, the Constitution and statutes of the state of Illinois, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Mayor" means the mayor of the city.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Owner" applied to a building or land, includes any owner or co-owner of record who is a part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them and bodies politic and corporate.

"Personal property" includes money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" means next before and the next after, respectively.

"Property" includes real and personal property.

"Real property" includes lands, tenements and hereditaments.

"Shall" and "must" are each mandatory.

"State" means the state of Illinois.

"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

"Tenant" and "occupant," applies to a building or land, and includes any person who occupies the whole or a part of such building or land, whether alone or with others.

"Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form; but when the written signature of any city official is required, it shall be in the proper handwriting of such person or by his mark properly witnessed by two witnesses; except that, duplications or public documents or notices to be published in a newspaper may contain typewritten simulation of the signature.

"Year" means a calendar year. (Ord. 1509 § 1, 1996)

Section 1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 1509 § 2, 1996)

Section 1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 1509 § 3, 1996)

Section 1.04.040 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 1509 § 4, 1996)

Section 1.04.050 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 1509 § 5, 1996)

Section 1.04.060 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 1509 § 6, 1996)

Section 1.04.070 Construction.

The provisions of the ordinances of the city, and all proceeding under them are to be constructed with a view to effect their objects and to promote justice. (Ord. 1509 § 7, 1996)

Section 1.04.080 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 1509 § 8, 1996)

Section 1.04.090 The seal.

A. The seal provided by the council shall be circular in form, consisting of the words, "1859, City of Columbia, 1903, County of Monroe, State of Illinois" around the outer edge of the Seal and the figures "1927" in the interior of the seal, shall be and hereby is established and declared to be the seal of the city. The city clerk shall be the custodian of the city seal.

B. The corporate seal shall be used as such seal in all cases provided for by law or by the ordinances of the city, and in all other cases in which by law and custom, it is usual and necessary for the corporation to use a seal. (Prior code § 2-4-1)

Section 1.04.100 Bench mark.

There is established a bench mark in the city which shall be the official reference for elevations and grade lines.

The bench mark is located at the Municipal Building at the junction

of Cherry Street and Rapp Avenue, being thirty (30) feet southeast of the corner of the building; thirty-six (36) feet north and twenty-four (24) feet west of the center line of the streets; also seven and three-tenths (7.3) feet north of the north edge of sidewalk and five and two-tenths (5.2) feet west of the west edge of sidewalk.

The bench mark is a standard United States Geological Survey Tablet set in a concrete post, and stamped "1 SAN 1963 515."

The elevation of the bench mark is 514.989 feet above mean sea level. (Prior code § 2-4-2)

Section 1.04.110 Trivial suits.

In any suit brought under the ordinances of this city upon the complaint of a person other than the chief of police or some other city officer wherein such suit is dismissed as trivial or frivolous, the suit shall be at the cost of the person making such complaint. When it appears to the satisfaction of any judge that there are good grounds for believing that a suit is trivial or frivolous, and that the party complaining is not legally responsible for costs that may be expended in their behalf, the judge may demand security for such costs, in the event that such suit is dismissed, or may require that the party complaining deposit in advance, the costs of issuing the necessary writs of making the arrest. (Prior code § 1-1-9)

Chapter 1.08

WARDS

Sections:

1.08.010 Boundaries.

Section 1.08.010 Boundaries.

**REDISTRICTING OF WARDS PER ORDINANCE NO. 2975, PASSED
AND APPROVED SEPTEMBER 17, 2012 - AN ORDINANCE
REDISTRICTING THE WARDS OF THE CITY OF COLUMBIA,
ILLINOIS, PURSUANT TO THE ILLINOIS MUNICIPAL CODE**

CITY OF COLUMBIA, ILLINOIS WARDS (NEW)

(The ward boundary descriptive language shown is the same language (with minor changes) contained in Monroe County Ordinance No. 11-04 describing the boundaries of the wards of the City of Columbia, Illinois; additionally, it incorporates boundary descriptive language of property within the Columbia City limits located in St. Clair County)

Ward I shall include Monroe County Precincts 2, 25 and 37 with boundaries as follows:

Precinct 2 – beginning at a point at the intersection of Main Street and Washington Street, thence continuing south along said line and the centerline of Washington Street and an extension of Washington Street across Illinois State Route 3 to the intersection of the North-South section of Burroughs Road, thence continuing South along said line and the centerline of Burroughs Road to the intersection of Wellington Drive, thence continuing South along said line and the centerline of Wellington Drive to the intersection of Gall Road, thence continuing South along said line and the centerline of Gall Road to the intersection of the northern boundary line of Joy View Acres Subdivision, thence continuing West along the northern boundary line of Joy View Acres Subdivision, thence continuing South along the western boundary line of Joy View Acres Subdivision, thence continuing South along the Columbia City limits boundary to the intersection of Vella E Lane, thence continuing East along said line and the centerline of Vella E Lane and then following the Columbia City limits boundary to the Northeast and then to the Southeast to

the southernmost Columbia City limit boundary (near Gilmore Lake Road), thence to the East to the centerline of Illinois State Route 3, thence Northwest along the centerline of Illinois State Route 3 to its intersection with Illinois State Route 158, thence continuing Northeast along the centerline of Illinois State Route 158 to the Columbia City limits boundary, thence starting in a Northwesterly direction and continuing to follow the Columbia City limits boundary to the intersection of Centerville Road, thence continuing West along said line and the centerline of Centerville Road to the intersection of South Riebeling Street, thence continuing North along said line and the centerline of South Riebeling Street to the intersection of Mueller Street, thence continuing West along said line and the centerline of Mueller Street to the intersection of South Ferkel Street, thence continuing South along said line and the centerline of South Ferkel Street to the intersection of East Centerville Street, thence continuing West along said line and the centerline of East Centerville Street to the intersection of Main Street, thence continuing West along said line and the centerline of Main Street to the intersection of Washington Street and the point of beginning, excluding any parcels within the boundaries of this Precinct 2 that are not in the Columbia City limits.

Precinct 25 – beginning at a point at the intersection of Valmeyer Road and Illinois State Route 3, thence continuing East along said line and the centerline of Illinois State Route 3 to the intersection of the extension of the centerline of Washington Street, thence continuing South along the centerline extension of Washington Street to the intersection of the North-South section of Burroughs Road and continuing to the intersection of Wellington Drive, thence continuing South along said line and the centerline of Wellington Drive to the intersection of Gall Road, thence continuing South along said line and the centerline of Gall Road to the intersection of the northern boundary line of the Joy View Acres Subdivision, thence continuing West along the northern boundary line of the Joy View Acres Subdivision, thence continuing South along the Western boundary of the Joy View Acres Subdivision to the Columbia City limit boundary, then continuing West along the Columbia City limits boundary along and including The Pines Subdivision, thence continuing North along said line and along the western boundary of The Pines Subdivision to the intersection of Valmeyer Road, thence continuing East along said line and the centerline of Valmeyer Road to the intersection of Illinois State Route 3 and the point of beginning.

Precinct 37 – beginning at a point at the intersection of Washington Street and Main Street, thence continuing Northwest along said line and the centerline of Main Street to the intersection of Locust Street, thence continuing Northeast along said line and the centerline of Locust Street to the intersection of Metter Avenue, thence continuing Northwest along said line and the centerline of Metter Avenue to the intersection of Vogt Street, thence continuing Southwest along said line and the centerline of Vogt Street to the intersection of Main Street, thence continuing Northwest along said line and the centerline of Main Street to the intersection of Monroe Street, thence continuing Southwest along said line and the centerline of Monroe Street and an extension of Monroe Street to an extension of Beaird Street, thence continuing South along the centerline of the extension of Beaird Street and the centerline of Beaird Street to the intersection of Bottom Avenue, thence continuing West along said line and the centerline of Bottom Avenue to the intersection of Illinois State Route 3, thence continuing Southeast along said line and the centerline of Illinois State Route 3 to the intersection of an extension of Washington Street, thence continuing Northeast along said line and the centerline of Washington Street to Main Street and the point of beginning.

Ward II shall include Monroe County Precincts 3, 35 and 36 with boundaries as follows:

Precinct 3 – beginning at a point at the intersection of Illinois State Route 3 and Gilmore Lake Road, thence continuing East along said line and the centerline of Gilmore Lake Road to the Southeast corner of the Country Crossings Subdivision, thence continuing North along the Eastern boundary of the Country Crossings Subdivision, following the Columbia City limits boundary along Illinois State Route 158 to the intersection of Illinois State Route 3, thence continuing South along said line and the centerline of Illinois State Route 3 to the intersection of Gilmore Lake Road and the point of beginning . . . and also . . .

Beginning at a point at the intersection of East Cherry Street and Breidecker Street, thence continuing Northeast along said line and the centerline of East Cherry Street and an extension of the centerline of East Cherry Street to intersect with the Columbia City limits boundary, thence continuing due East along said line to the St. Clair County line, thence continuing along the Columbia City limits boundary to the South and back to the West to the intersection of Centerville Road, thence continuing West

along said line and the centerline of Centerville Road to the intersection of South Riebeling Street, thence continuing North along said line and the centerline of South Riebeling to the intersection of Mueller Street, thence continuing East along said line and an extension of the centerline of Mueller Street to the intersection of Breidecker Street to the intersection of East Cherry Street and the point of beginning, excluding any parcels within the boundaries of this Precinct 3 that are not in the Columbia City limits.

Precinct 35 – Beginning at a point at the intersection of Metter Avenue and Locust Street, thence continuing Northeast along said line and the centerline of Locust Street to the intersection of Ferkel Street, thence continuing to the Northwest along a Northwest extension of Ferkel Street, thence continuing to following the Columbia City boundary to include the Briar Lake Estates Subdivision, thence continuing to the intersection of Rueck Road, thence continuing South along said line and the centerline of Rueck Road to the intersection of Main Street, thence continuing Southeast along said line and the centerline of Main Street to the intersection of Vogt Street, thence continuing Northeast along said line and the centerline of Vogt Street to the intersection of Metter Avenue, thence continuing along said line and the centerline of Metter Avenue to the intersection of Locust Street and the point of beginning, excluding any parcels within the boundaries of this Precinct 35 that are not in the Columbia City limits.

Precinct 36 – beginning at a point at the intersection of Main Street and Locust Street, thence continuing Northeast to the intersection of Ferkel Street, thence following a Northerly extension of Ferkel Street to the end of Ritter Road, thence following the Columbia City boundary to the east to a Northeasterly extension of Cherry Street, thence Southwest along the centerline of said extension of Cherry Street and the centerline of Cherry Street to the intersection of Breidecker Street, thence Southeast along said line and the centerline of Breidecker Street to the intersection of a Northeasterly extension of Mueller Street, thence Southwest along the centerline of the extension of Mueller Street and the centerline of Mueller Street to the intersection of Ferkel Street, thence continuing Southeast along said line and the centerline of Ferkel Street to the intersection of Centerville Street, thence continuing Southwest along said line and the centerline of Centerville Street to the intersection of Main Street, thence continuing Northwest along said line and the centerline of Main Street to Locust Street to the point of beginning.

Ward II shall also include property within the Columbia City limits located in St. Clair County with boundaries as follows:

All property in the Briar Lake Estates Subdivision located in St. Clair County and within the Columbia City limits . . . and also . . .

Beginning at a point at the intersection of Rueck Road and the St. Clair County line, thence following the Columbia City limits boundary to the East then North then West to the intersection with Rueck Road, thence continuing North along the centerline of Rueck Road and an extension of the centerline of Rueck Road to its intersection with the northernmost Columbia City limit boundary, then starting in a Southeasterly direction and continuing to follow the Columbia City limits boundary to its intersection with an extension of the centerline of Rueck Road, thence South along the extension of the centerline of Rueck Road and the centerline of Rueck Road to its intersection with the St. Clair County line and the point of beginning, excluding any parcels within the boundaries of this property description that are not in the Columbia City limits.

Ward III shall include Monroe County Precincts 1, 4 and 34 with boundaries as follows:

Precinct 1 – beginning at a point at the intersection of Illinois State Route 3 and Quarry Road, thence continuing East along said line and the centerline of Quarry Road to the intersection of the boundary line between Gedern Village Subdivision and Gedern Estates Subdivision, thence continuing South along said line and the boundary between Gedern Village Subdivision and Gedern Estates Subdivision to the Southwest corner of the Gedern Estates Subdivision, thence continuing East along the Southern boundary of the Gedern Estates Subdivision and the Wilson Hills Subdivision to the Southeast corner of the Wilson Hills Subdivision and the intersection of Rueck Road, thence continuing North along said line and the centerline of Rueck Road to the intersection of the St. Clair County line, thence continuing around the Columbia City limits to include the Brellinger Subdivision to the intersection of AA Road, thence continuing West along said line and the centerline of AA Road to the Western boundary of the Brellinger Subdivision, thence South along the Western boundary of the Brellinger Subdivision and continuing along the Eastern boundary line of the Columbia Lakes Subdivision to the Southeast corner of Parcel No. 04-08-220-076-000, thence continuing Northwest along the Subdivision line to

the Southwest corner of Parcel No. 04-08-220-099-000, thence continuing North along said line and the Western boundary line of Parcel No. 04-08-220-099-000, continuing along said line to the Northeast corner of Parcel No. 04-08-233-038-000, thence continuing Northwest along said line and the Northern boundary line of Parcels 04-08-233-038-000, 04-08-233-039-000, 04-08-233-040-000, 04-08-233-041-000, 04-08-233-042-000, 04-08-233-043-000, 04-08-233-044-000, thence continuing to the intersection of Columbia Lakes Drive, thence continuing Northwest along the Northern border of Parcel No. 04-08-200-003-000 to the intersection of Illinois State Route 3, thence continuing South along said line and the centerline of Illinois State Route 3 to the intersection of Quarry Road and the point of beginning, excluding any parcels within the boundaries of this Precinct 1 that are not in the Columbia City limits.

Precinct 4 – Beginning at a point at the intersection of Rueck Road and Main Street, then continuing North and West along said line and the centerline of Main Street to the intersection of a Northerly extension of Cascade Drive, then following said line to the East and North along the Westerly boundary of the Weilbacher’s Parkview Manor Subdivision, then continuing East along the Southern boundary of the Gedern Estates Subdivision, then continuing Southeast along the Southern boundary of the Wilson Hills Subdivision to the intersection of Rueck Road, thence along said line and following the centerline of Rueck Road to the intersection of Main Street and the point of beginning.

Precinct 34 – beginning at a point on the intersection of AA Road and the St. Clair County line, thence continuing West along said line and the centerline of AA Road to the Western boundary line of the Brellinger Subdivision, thence continuing South along said Western boundary line of the Brellinger Subdivision, and continuing South along the Eastern boundary line of the Columbia Lakes Subdivision, to the Southeast corner of Parcel No. 04-08-220-076-000, thence continuing Northwest along the Subdivision line to the Southwest corner of Parcel No. 04-08-220-099-000, thence continuing North along said line and the Western boundary line of Parcel No. 04-08-220-099-000, continuing along the said line to the Northeast corner of Parcel No. 04-08-233-038-000, thence continuing Northwest along said line and the Northern boundary line of Parcels 04-08-233-038-000, 04-08-233-039-000, 04-08-233-040-000, 04-08-233-041-000, 04-08-233-042-000, 04-08-233-043-000, 04-08-233-044-000, thence continuing to the intersection of Columbia Lakes Drive, thence continuing

Northwest along the Northern border of Parcel No. 04-08-200-003-000 to the intersection of Illinois State Route 3, thence continuing North along said line and the centerline of Illinois State Route 3 to the northernmost Columbia City limit boundary, thence continuing Southeast along said line and the St. Clair County line to the intersection of AA Road and the point of beginning, excluding any parcels within the boundaries of this Precinct 34 that are not in the Columbia City limits.

Ward III shall also include property within the Columbia City limits located in St. Clair County with boundaries as follows:

Beginning at a point at the intersection of Rueck Road and the St. Clair County line, thence North along the centerline of Rueck Road and an extension of the centerline of Rueck Road to its intersection with the northernmost Columbia City limit boundary, then starting in a Northwesterly direction and continuing to follow the Columbia City limits boundary to its intersection with Illinois State Route 3, thence South along Illinois State Route 3 to the St. Clair County line, thence continuing to the Southeast following the St. Clair County line to its intersection with Rueck Road and the point of beginning, excluding any parcels within the boundaries of this property description that are not in the Columbia City limits.

Ward IV shall include Monroe County Precincts 5, 8 and 24 with boundaries as follows:

Precinct 5 – Beginning at a point at the intersection of Main Street and Illinois State Route 3, then continuing East along said line and the centerline of Main Street to the intersection of Monroe Street, thence continuing Southwest along said line and the centerline of Monroe Street and an extension of Monroe Street to an extension of Beaird Street, thence continuing South along the centerline of the extension of Beaird Street and the centerline of Beaird Street to the intersection of Bottom Avenue, thence continuing West along said line and the centerline of Bottom Avenue to the intersection of Illinois State Route 3, thence continuing North along said line and the centerline of Illinois State Route 3 to Main Street and the point of beginning.

Precinct 8 – beginning at a point at the intersection of Valmeyer Road and Illinois State Route 3, thence continuing West along said line and

the centerline of Valmeyer Road to the Southwestern corner of the Bradington Place Subdivision, thence continuing Northeast along the Western boundary of the Bradington Place Subdivision, continuing along the eastern boundaries of the Bluffview Estates and Indian Hills Subdivisions to the intersection of Briarhill Lane, thence continuing East along said line and the centerline of Briarhill Lane to the intersection of Meadowview Lane, thence continuing North and East along said line and the centerline of Meadowview Lane, and an extension of the centerline of Meadowview Lane, to the intersection of Illinois State Route 3, thence continuing South along said line and the centerline of Illinois State Route 3 to the intersection of Valmeyer Road and the point of beginning.

Precinct 24 – beginning at a point at the intersection of Main Street and Illinois State Route 3, then continuing along said line and the centerline of Main Street to the most Southwesterly point of the Weilbacher's Parkview Manor Subdivision, thence continuing North along the West boundary line of the Weilbacher's Parkview Manor Subdivision, then continuing North on the boundary line between the Gedern Village Subdivision and the Gedern Estates Subdivision to the intersection of Quarry Road, thence continuing West on said line and the centerline of Quarry Road to the intersection of Illinois State Route 3, thence continuing North along said line and the centerline of Illinois State Route 3 to the northern City limits of Columbia, thence West along the Columbia City limits boundary, and continuing around the City limits boundary to the intersection of Bluff Road, thence continuing South along said line and the centerline of Bluff Road to the Southwest corner of the Bluffview Estates Subdivision, thence Southeast along the Southern boundary of the Bluffview Estates Subdivision to the Southeast corner of that subdivision, thence Northeast along the Eastern boundary of the Bluffview Estates Subdivision and the Indian Hills Subdivision to the intersection of Briarhill Lane, thence continuing East along said line and the centerline of Briarhill Lane to the intersection of Meadowview Lane, thence continuing East along said line and the centerline of Meadowview Lane, and an extension of the centerline of Meadowview Lane, to the intersection of Illinois State Route 3, thence continuing North along said line and the centerline of Illinois State Route 3 to Main Street and the point of beginning, excluding any parcels within the boundaries of this Precinct 24 that are not in the Columbia City limits.

**(OLD WARD BOUNDARIES) THE FOLLOWING SECTION WAS
AMENDED BY ORDINANCE NO. 2975 PASSED AND APPROVED
SEPTEMBER 17, 2012**

The city is divided into four wards with the following boundaries:

A. Ward Number One: Ward Number One shall embrace all that part of the city lying southerly and southwesterly of a line described as commencing at a point where the centerline of Illinois Route 3 intersects the south boundary line of the city; thence northwestwardly, along the centerline of said Main Street to its intersection with the centerline of Monroe Street; thence southwestwardly, along the centerline of Monroe Street, to its intersection with the centerline of Beaird Street; thence southwestwardly along the centerline of Beaird Street, to its intersection with Hill Street, thence westwardly along the centerline of Hill Street to its intersection of Grueninger Street, thence southwestwardly along the centerline of Grueninger Street, to its intersection of Bottom Avenue, thence westwardly along the centerline of Bottom Avenue to its intersection with Illinois Route 3, thence northwestwardly along the centerline of Illinois Route 3 to its intersection with the centerline of Valmeyer Road thence westwardly, along the centerline of Valmeyer Road to its intersection with the west city limits thence along the southerly, easterly, and southerly city limits, to the point of beginning in the centerline of Illinois Route 3.

B. Ward Number Two: Ward Number Two shall embrace all that part of the city lying within the following boundaries: beginning at a point where the centerline of Illinois Route 3 intersects the south boundary line of the city; thence northwestwardly, along the centerline of said Main Street, to its intersection with the centerline of Rueck Street, thence northeastwardly and northerly, along the centerline of said Rueck Street, to its intersection with the north boundary line of the city thence along the northerly, easterly, and southerly city limits, to the point of beginning in the centerline of Illinois Route 3.

C. Ward Number Three: Ward Number Three shall embrace all that part of the city lying within the following boundaries: Beginning at a point where the centerline of Rueck Street intersects with the centerline of Main Street thence northwestwardly along the centerline of Main Street, to its intersection with Illinois Route 3, thence northwesterly along the

centerline of Illinois Route 3, to the north city limits; thence easterly and thereafter along the north and northeasterly city limits to the intersection with the centerline of Rueck Street, thence southerly along the centerline line of Rueck Street to the point of beginning in the centerline line of Main Street.

D. Ward Number Four: Ward Four shall embrace all that part of the city lying within the following boundaries: Beginning at a point where the centerline of Main Street intersects with the centerline of Monroe Street, thence southwestwardly along the centerline of Monroe Street, to its intersection with the centerline of Beaird Street, thence southwestwardly along the centerline of Beaird Street, to its intersection with Hill Street, thence westwardly along the centerline of Hill Street to its intersection of Grueninger Street, thence southwestwardly along the centerline of Grueninger Street to its intersection of Bottom Avenue, thence westwardly along the centerline of Bottom Avenue to its intersection with Illinois Route 3 thence northwestwardly along the centerline of Illinois Route 3 to its intersection of Valmeyer Road, thence westwardly along the centerline of Valmeyer Road to its intersection with the west city limits thence northerly along the westerly city limits to the northern city limits line, thence east along the centerline of Illinois Route 3, thence southeasterly along the centerline of Route 3, to the centerline of Main Street, thence southeasterly along the centerline of Main Street to the point of beginning. (Ord. 636 § 1, 1986: prior code § 39-1-1)

(Ordinance No. 2975, Amended, 09/17/2012, Redistricting of Ward Maps in the City of Columbia)

Chapter 1.12

CITY PLAN

Sections:

1.12.010 City plan.

Section 1.12.010 City plan.

A. Establishment. The official plan of the city shall consist of the following:

1. The city plan hereto approved by the city council shall consist of a map of the city, charts and diagrams showing proposed additions to and improvements of the city streets, parks, public buildings, sewage disposal system, water system, and street lighting system;

2. The specifications for street construction and paving hitherto established by the city council;

3. The zoning ordinance;

4. The subdivision control ordinance.

B. Reference. Any reference to the official plan of the city shall be taken to mean and include all of the foregoing enactments.

C. Compliance. No plat of subdivision, plan for the construction or layout of streets, or work involving laying sewer or water mains shall be approved unless the same complies fully with the requirements of the city plan. (Prior code § 2-4-13)

Chapter 1.16

GENERAL PENALTY

Sections:

1.16.010 Violation--Penalty.

Section 1.16.010 Violation--Penalty.

Unless otherwise specifically provided elsewhere in this code or in ordinances of the city that are a subject of enforcement, any person violating any provision of this code shall, upon conviction, be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00). Further, upon conviction, such person may be assessed such other and further, or different penalty as Section 1-2-1 of the Illinois Municipal Code, as from time to time in effect, shall authorize, including the performance of public service work. Each day on which a violation occurs or continues shall be a separate offense.

(Ordinance No. 3180, Amended, 04/20/2015, Amended fines.)

Title 2

ADMINISTRATION AND PERSONNEL

Sections:

2.02 CITY COUNCIL
2.04 CITY OFFICERS
2.06 MAYOR
2.08 EXECUTIVE SECRETARY TO THE MAYOR
2.10 CITY CLERK
2.12 DEPUTY CITY CLERK
2.14 CITY TREASURER
2.16 CITY COLLECTOR
2.17 CITY ADMINISTRATOR
2.18 CITY AUDITOR
2.19 CITY ENGINEER
2.20 CITY ATTORNEY
2.22 CHIEF OF POLICE
2.24 DEPUTY CHIEF OF POLICE
2.26 BUDGET OFFICER
2.28 CITY DIRECTOR OF PUBLIC WORKS
2.32 PLAN COMMISSION
2.33 PARK & RECREATION ADVISORY BOARD
2.34 POLICE DEPARTMENT
2.36 FIRE DEPARTMENT

COLUMBIA MUNICIPAL CODE

2.38	RURAL FIRE PROTECTION DISTRICT
2.40	AUXILIARY POLICE
2.42	HEALTH OFFICER
2.44	BOARD OF HEALTH
2.46	BOARD OF FIRE AND POLICE COMMISSIONERS
2.48	BOARD OF LIBRARY DIRECTORS
2.49	COLUMBIA CIVIC PROGRESS COMMITTEE
2.50	BUILDING OFFICIAL
2.52	PLUMBING INSPECTOR
2.54	BIDDING AND CONTRACT PROCEDURES
2.56	FEES AND CHARGES FOR CITY SERVICES AND BUSINESS LICENSES
2.58	PUBLIC RECORDS
2.59	COLLECTION
2.60	CIVIL EMERGENCIES
2.62	EMERGENCY MANAGEMENT AGENCY
2.64	AMERICANS WITH DISABILITIES ACT
2.66	POLICE PENSION FUND
2.68	PERSONNEL CODE
2.70	CODE IMPLEMENTING THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT

Section 2.02

CITY COUNCIL

Chapters:

- 2.02.010 City council.**
- 2.02.020 Compensation.**
- 2.02.030 Vacancy.**
- 2.02.040 Regular meetings.**
- 2.02.050 Special meetings.**
- 2.02.060 Committees.**
- 2.02.070 Special committees.**
- 2.02.080 Quorum.**
- 2.02.090 Meetings--Rules.**
- 2.02.100 Ordinances.**

Chapter 2.02.010 City council.

The city council shall consist of the mayor and eight aldermen, and their terms of office shall be for four years, except as otherwise provided by law, and until their successors are elected and have qualified. (Prior code § 2-1-1)

2.02.010

Chapter 2.02.020 Compensation.

Each of the City's aldermen elected at the April, 2015 General Municipal Election shall receive an annual salary during their respective four (4) year terms of office, as follows:

- (1) If such aldermanic term of office begins during the month of April, 2015, said aldermanic salary for April, 2015 will be based on an annual salary of \$5,841, and each such alderman's salary will be calculated by dividing \$5,841 by 12 (months) and taking that figure times the number of days served as a City alderman in April, 2015 (with the first day being the day after the City Council meeting date on which the oath of office is taken) divided by 30 (days in April);
- (2) For the City's fiscal year beginning on May 1, 2015 and ending on April 30, 2016, each such alderman's annual salary shall be \$5,841; however, if such aldermanic term of office begins after the first day of May, 2015, said aldermanic salary for the initial month of the aldermanic term will be based on an annual salary of \$5,841, and each such alderman's salary will be calculated by dividing \$5,841 by 12 (months) and taking that figure times the number of days served as a City alderman in such initial month (with the first day being the day after the City Council meeting date on which the oath of office is taken) divided by the number of days in such initial month;
- (3) For the City's fiscal year beginning on May 1, 2016 and ending on April 30, 2017, each such alderman's annual salary shall be \$5,841;
- (4) For the City's fiscal year beginning on May 1, 2017 and ending on April 30, 2018, each such alderman's annual salary shall be \$5,841; and

- (5) For the City's fiscal year beginning on May 1, 2018 and ending on April 30, 2019, each such alderman's annual salary shall be \$5,841.

The Aldermen elected at the **April, 2013 General Municipal Election** shall receive an annual salary as follows: Commencing May 1, 2013 through April 30, 2014, the annual salary shall be \$5,616.00; commencing May 1, 2014 through April 30, 2015, the annual salary shall be \$5,841.00; commencing May 1, 2015 through April 30, 2016, the annual salary shall be \$5,841.00; commencing May 1, 2016 through April 30, 2017; the annual salary shall be \$5,841.00.

Each of the City's aldermen elected at the **April, 2011 General Municipal Election** shall receive an annual salary during their respective four (4) year terms of office, as follows:

- (1) If such aldermanic term of office begins during the month of April, 2011, said aldermanic salary for April, 2011 will be based on an annual salary of \$4,992, and each such alderman's salary will be calculated by dividing \$4,992 by 12 (months) and taking that figure times the number of days served as a City alderman in April, 2011 (with the first day being the day after the City Council meeting date on which the oath of office is taken) divided by 30 (days in April);
- (2) For the City's fiscal year beginning on May 1, 2011 and ending on April 30, 2012, each such alderman's annual salary shall be \$5,192;
- (3) For the City's fiscal year beginning on May 1, 2012 and ending on April 30, 2013, each such alderman's annual salary shall be \$5,400;
- (4) For the City's fiscal year beginning on May 1, 2013 and ending on April 30, 2014, each such alderman's annual salary shall be \$5,616; and
- (5) For the City's fiscal year beginning on May 1, 2014 and ending on April 30, 2015, each such alderman's annual salary shall be \$5,841.

The Aldermen elected at the **April, 2009 General Municipal Election** shall receive an annual salary as follows: Commencing May 1, 2009 through April 30, 2010, the annual salary shall be \$4,800.00; commencing May 1, 2010 through April 30, 2011, the annual salary shall be \$4,992.00; commencing May 1, 2011 through April 30, 2012, the annual salary shall be \$5,192.00; commencing May 1, 2012 through April 30, 2013; the annual salary shall be \$5,400.00.

The Aldermen elected at the **April, 2003 General Municipal Election** shall receive an annual salary as follows: Commencing May 1, 2003 through April 30, 2004, the annual salary shall be \$3,936.00; commencing May 1, 2004 through April 30, 2005, the annual salary shall be \$4,104.00; commencing May 1, 2005 through April 30, 2006, the annual salary shall be \$4,272.00; commencing May 1, 2006 through April 30, 2007, the annual salary shall be \$4,440.00.

The Aldermen elected at the **April, 2001 General Election** shall receive an annual salary as follows: Commencing May 1, 2001 through April 30, 2002, the annual salary shall be \$3,648.00; commencing May 1, 2002 through April 30, 2003, the annual salary shall be \$3,792.00; commencing May 1, 2003 through April 30, 2004, the annual salary shall be \$3,936.00; commencing May 1, 2004 through April 30, 2005, the annual salary shall be \$4,104.00.

The Aldermen elected at the **April, 1999 General Municipal Election** shall receive an annual salary as follows: Commencing May 1, 1999 through April 30, 2000, the annual salary shall be three thousand one hundred ninety-two dollars (\$3,192.00); commencing May 1, 2000 through April 30, 2001, the annual salary shall be three thousand five hundred four dollars (\$3,504.00); commencing May 1, 2001 through April 30, 2002, the annual salary shall be three thousand six hundred forty-eight dollars (\$3,648.00); commencing May 1, 2002 through April 30, 2003, the annual salary shall be three thousand seven hundred ninety-two dollars (\$3,792.00).

The Aldermen elected at the **April, 1997 General Municipal Election** shall receive an annual salary as follows: Commencing May 1, 1997 through April 30, 1998, the annual salary shall be two thousand six hundred forty dollars (\$2,640.00); commencing May 1, 1998 through April 30, 1999, the annual salary shall be two thousand nine hundred four dollars (\$2,904.00); commencing May 1, 1999 through April 30, 2000, the annual salary shall be three thousand one hundred ninety-two dollars (\$3,192.00); commencing May 1, 2000 through April 30, 2001, the annual salary shall be three thousand five hundred four dollars (\$3,504.00).

In addition thereto, said Aldermen shall receive one twenty-fourth (1/24) of the annual salary for the current year for each special meeting attended. Aldermen shall be entitled to reimbursement for actual expenses incurred by them in the performance of their duties, as determined by the City Council from time to time. (Ord. 1664 § 1, 1998: prior code § 2-1-2)

2.02.020

(Ordinance No. 2805, Added, 10/28/2014, Aldermen Salary for April 2011 Election.; Ordinance No. 3118, Added, 10/28/2014, Aldermen Salary for April 2015 Election.; Ordinance No. 2976, Added, 10/28/2014, Aldermen Salary for April 2013 Election.; Ordinance No. 2695, Added, 10/28/2014, Aldermen Salary Ordinance for April 2009 election.; 2.02.020 (2003 Election) (Ord. 2040), Amended, 04/15/2002; 2.02.020 (2001 Election) (Ord. 1941), Amended, 03/19/2001)

Chapter 2.02.030 Vacancy.

A vacancy in the office of an alderman shall be filled for the remainder of the term at the next succeeding general election for aldermen, except in cases where the law requires that the vacancy shall be filled by a special election. The mayor, with the advice and consent of the city council, may appoint a person to serve as alderman in the vacancy until the next election for aldermen, and until the person elected has qualified. (Prior code § 2-1-3)

2.02.030

Chapter 2.02.040 Regular meetings.

The regularly stated meetings of the city council shall be held in the City Hall building on the first and third Mondays of each month at seven p.m. during Central Standard Time and at seven p.m. during Central Daylight Savings Time. When the meeting date falls on a legal holiday, the meeting shall be held on the next regular day, the same hour and place, unless otherwise designated. Adjourned meetings may be held at such times as determined by the council. Public notice of regular meetings shall be given in accordance with the Meetings of Public Agencies Act of the State of Illinois, Illinois Revised Statutes, Chapter 102, Sections 41 through 54, as amended. (Ord. 1351 § 1, 1995; Ord. 590 § 1, 1985; prior code § 2-1-4)

2.02.040

Chapter 2.02.050 Special meetings.

Special meetings of the city council may be called by the mayor or any three aldermen by giving at least twenty-four (24) hours notice thereof, by delivering to their residences, written or printed notice of the time of such meeting. Public notice of special meetings shall be given in accordance with the Meetings of Public Agencies Act of the State of Illinois, Illinois Revised Statutes, 1978, Chapter 102, Sections 41 through 54. (Prior code § 2-1-5)

2.02.050

Chapter 2.02.060 Committees.

A. There is created the Committee of the Whole which shall consist of all eight (8) aldermen. The Chairman of the Committee of the Whole shall be the alderman or alderwoman who has the most seniority in office. The mayor shall be an ex-officio member of this committee, and the mayor shall not be entitled to vote on any committee business except to break a tie. The Committee of the Whole has the power to consider and vote on any City business that is brought before it.

(Ord. No. 3576, Amended, 06/07/2021; Ordinance No. 3342, Amended, 09/05/2017, Amended City Council Committees)

Chapter 2.02.070 Special committees.

The mayor shall appoint such special committees as he may deem necessary or as may be directed by the council. (Prior code § 2-1-7)

2.02.070

Chapter 2.02.080 Quorum.

A majority of the aldermanic members of the city council or the mayor and one-half of the aldermanic members of the city council shall constitute a quorum thereof, but no ordinance or measured for the expenditure of money shall be passed except upon the favorable vote of a majority of such aldermanic members as specified by statute. (Ord. 618 § 1, 1986; prior code § 2-1-8)

2.02.080

Chapter 2.02.090 Meetings--Rules.

A. Order of Business. The order of business at meetings of the city council shall be as follows:

1. Call to order;
2. Roll call;
3. Approval of minutes;
4. Communications and petitions;
5. Unfinished business;
6. Reports by officers;
7. Reports by standing committees;
8. Reports of special committees;
9. Claims and accounts;
10. New business;
11. Miscellaneous business;
12. Adjournment.

B. Duties of Presiding Officer. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order, subject to appeal.

In case of any disturbances or disorderly conduct, the presiding officer shall have the power to remove the offender(s) from the chambers, except that council members may not be expelled for disorderly conduct, except on the concurrence of two-thirds vote of the aldermen elected, in accordance with the provisions of subsection E of this section.

C. Duties of Members. Every member, previous to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

D. Visitors. No person other than a member of the council shall address that body, except with the consent of the mayor or majority of members present.

E. Censure of Members--Expulsion of Members. Any member acting or appearing in a lewd or disgraceful manner, who uses opprobrious, obscene and insulting language to or against any member of the council, or who does not obey the order of the chair, or who otherwise engages in disorderly conduct, shall be on motion, censured by a majority vote of the members present, or expelled by a two-thirds vote of all aldermen elected.

F. Debate. No member shall speak longer than five minutes at any one time, except by consent of the council.

G. Call of Members to Order. A member, when called to order by the chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the chair shall be binding and conclusive, subject only to the right to appeal.

H. Appeals from Decision of the Chair. Any member may appeal to the council from a ruling of the chair, and, if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "No," the decision of the chair shall be overruled; otherwise it shall be sustained.

I. Question of Personal Privilege. The right of a member to address the council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

J. Special Order of Business. Any matter before the city council may be set down as a special order of business at a time certain, if a majority of the members present vote in the affirmative.

K. Seconding of Motions Required; Written Motions. No motion shall be put or

debated in the meeting, nor in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the council, except motions of procedure shall be reduced to writing, if required by a member, and the proposer of the motion shall be entitled to the floor.

L. Withdrawal of Motions. After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the council, but it may be withdrawn at any time before decision, by consent of the council.

M. Division of Questions. If any question under consideration contains several distinct propositions, the aldermen, by a majority vote of the members present may divide such question.

N. Record of Motions. In all cases where a resolution or motion is entered in the journal, the name of the member moving the same shall be entered also.

O. Taking and Entering the Votes--Explanations of Votes Not Permitted. The "yeas" and "nays" upon any question shall be taken and entered in the journal.

When the clerk has commenced to call the roll of the council for the taking of a vote by yeas and nays, all debate on the question before the council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by the clerk, by answering "yea," or "nay," as the case may be.

P. Announcement and Changes of Vote. The result of all votes by yeas and nays shall be announced by the clerk.

No vote shall be changed after the tally has been announced by the clerk.

Q. Precedence of Motions. When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

1. To adjourn to a day certain;
2. To adjourn;
3. To take a recess;
4. To lay on the table;
5. The previous question;
6. To refer;
7. To amend;
8. To defer or postpone to a time certain;
9. To defer or postpone (without reference to time);
10. To defer or postpone indefinitely.

Numbers 2, 4 and 5 to be decided without debate.

R. Motions to Adjourn. A motion to adjourn the city council shall always be in order, except:

1. When a member is in possession of the floor;
2. While the yeas and nays are being called;
3. When the members are voting;
4. When adjournment was the last preceding motion;
5. When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The city council may, at any time, adjourn over one or more regular meetings, on a vote of a majority of all the aldermen present.

S. Previous Question. When the previous question is moved on the main question, and seconded, it shall be put on this form: "Shall the main question now be put?". If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay, upon the pending amendment in proper order, and then upon the main question.

T. Motions to Lay on the Table and to Take From the Table. A motion simply to lay

the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided two-thirds of the aldermen vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

U. Indefinite Postponement--Motion to Defer or Postpone Without Any Reference to Time. When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone, without any reference to time, shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

V. Motion to Refer. A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

W. Motion to Amend. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "Strike Out and Insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

X. Filling of Blanks. When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

Y. Motion to Substitute. A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time further amendment is admissible; and if accepted by the aldermen by a vote, shall entirely supersede such original proposition or amendment as the case may be and cut off all amendments appertaining thereto.

Z. Reconsideration. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

AA. Adoption of Robert's "Rules of Order Revised." The rules of parliamentary practice comprised in the latest published edition of Robert's "Rules of Order Revised" shall govern the council in all cases to which they are applicable and in which they are not inconsistent with the rules of the council adopted by ordinance.

BB. Temporary Suspension of Rules--Amendment of Rules. These rules may be

temporarily suspended by a vote of two-thirds of all members entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the members entitled by law to be elected. (Prior code § 2-2-1)

2.02.090

Chapter 2.02.100 Ordinances.

A. Committee. The city attorney shall be ex-officio chairman of the ordinance committee. It shall be the duty of the committee to prepare such ordinances as may be required by the city council.

B. Passage by Yeas and Nays--Record. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of a majority of all the members elected in the city council shall be necessary for the passage of any such ordinance or proposition; provided it shall require three-fourths of the aldermen to sell any city property.

C. Approval and Veto. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk, and if the mayor approves thereof, he shall sign the same, and such as he shall not approve, he shall return to the city council with his objections thereto, in writing, at the next regular meeting of the city council occurring no less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the vote only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But, in case the mayor shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

D. Reconsideration--Passing Over Veto. Upon the return of any ordinance by the mayor, the vote by which the same has passed shall be reconsidered by the city council and if after such reconsideration, two-thirds of the aldermen holding office shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays and entered in the journal of minutes.

(Prior code § 2-3-1)

(Ordinance No. 2462, Amended, 05/01/2006, Amended Subsection D - Reconsideration - Passing Over Veto.)

Section 2.04

CITY OFFICERS

Chapters:

- 2.04.010 Elections.**
- 2.04.020 Terms of office.**
- 2.04.030 Municipal officers--Regulations.**
- 2.04.040 Residence of officers.**
- 2.04.050 Bonds of city officers.**
- 2.04.060 City offices consolidated.**
- 2.04.070 Salaries, reimbursement and compensation to be set by council.**
- 2.04.080 Salaries of elected city officials.**
- 2.04.090 Salaries of appointed city officers.**
- 2.04.100 Vacation time.**
- 2.04.110 Vacation pay.**
- 2.04.120 Assignment of vacation.**
- 2.04.130 Accumulation of vacation.**
- 2.04.140 Unused vacation.**
- 2.04.150 Required to work on vacation.**
- 2.04.160 Holidays.**
- 2.04.170 Attendance at meetings.**
- 2.04.180 Fringe benefits for appointed city officers.**
- 2.04.190 Illinois Municipal Retirement Fund (IMRF)--Membership eligibility.**
- 2.04.200 Commencement of terms of elected City Officers.**

Chapter 2.04.010 Elections.

Elections for municipal offices shall be held as provided by statute, and at the time prescribed by statute. (Prior code § 2-4-3)

2.04.010

Chapter 2.04.020 Terms of office.

The term of office of the city attorney, city auditor, city collector, city chief of police, city assistant chief of police, city director of community development and administration, city director of public works, city building inspector, city superintendent of maintenance, and executive secretary to the mayor shall be for the term of one year or until their successor has been appointed and qualified. The term of these offices shall commence annually on May 1st of each year (or as soon thereafter as the officer shall be appointed) and shall end on April 30th of the following year. (Ord. 906 § 1, 1991)

2.04.020

Chapter 2.04.030 Municipal officers--Regulations.

A. Offices Vacated by Removal. Any officer of the municipality who leaves the municipality with the intention of permanently residing outside the limits thereof shall be deemed to have vacated his office, other than municipal engineer, health officer or other officers requiring technical knowledge.

B. Leaves of Absence. Any appointed officer desiring to be temporarily absent from

the municipality shall apply to the mayor for a leave of absence, which may, in the discretion of the mayor, be granted in writing for any time and when granted, shall be filed with the clerk.

C. Books Delivered to Successor. Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture and other things appertaining to such office and which are the property of the municipality.

D. Books Open to Inspection. Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the mayor, or any committee or member of the council.

E. Report of Fees. All officers of the city entitled to receive fees shall keep a correct account thereof and make a report thereof to the city council on the first Monday of each month. In the report, they shall specify from whom such fees were received, for what service and when received. All fees received shall be paid over into the city treasury.

F. Other Rules and Regulations. Every officer of the city shall perform such other duties and be subject to such other rules and regulations as the council may provide by law.

G. Conservators of Peace. The mayor, aldermen, firemen and policemen are designated as conservators of the peace with power to make arrests and such other powers as are provided by law.

H. Delivery of Records. Within five days after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office all property, books and effects in his possession, belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby and shall, upon conviction, be penalized according to the provisions of Section 1.16.010.

I. Oath. Every officer of the city shall, before entering upon his duties, take the oath prescribed by statute. (Prior code § 2-4-4)
2.04.030

Chapter 2.04.040 Residence of officers.

No person shall be eligible to hold any elective office who is not a qualified elector of the city and who shall not have resided therein for at least one year next preceding his election, nor shall any person be eligible who is a defaulter to the city, unless otherwise provided for in Section 2.04.030(A). (Prior code § 2-4-5)
2.04.040

Chapter 2.04.050 Bonds of city officers.

A. Mayor, City Clerk and Treasurer.

1. Amount. Bonds of city officers, required under the Illinois Revised Statutes, Chapter 24, Section 3-14-3 shall be executed in the following penal sums:

Mayor \$ 3,000.00
City clerk 3,000.00
City treasurer 15,000.00

2. Premium Payment by City. The surety bonds required by law shall be paid by the city.

3. Surety. The city council shall not receive or approve any bond or security whereon the name of the city council, any one of the aldermen or any elected or appointed officers of the city appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the city council, or if any bondsman, after becoming such is

elected or appointed to any city office, this subsection shall not act as a release of any such obligation incurred.

B. Additional Officers. Surety bonds of the following city officers shall be executed and filed with the city clerk, (or provided for and covered in the blanket bond of the city), in the following penal sums:

Office	Amount
City attorney	\$3,000
City auditor	3,000
City collector	3,000
City chief of police	3,000
City assistant chief of police	3,000
City director of community development and administration	3,000
City director of public works	3,000
City superintendent of maintenance	3,000
City building inspector	3,000
Executive secretary to the mayor	3,000

before the officers shall enter upon the duties of their respective offices. The cost of the premium for the surety bonds shall be paid by the city. (Ord. 906 § 2, 1991; prior code § 2-4-6)

2.04.050

Chapter 2.04.060 City offices consolidated.

A. The city council may, from time to time, by law, impose upon any officer, filling any office created by the ordinances of the city, any such other or further duties as shall be consistent with the laws of this state and may consolidate any two or more of the offices and impose the duties thereof upon any other officer, and may make any such regulations, respecting such offices as shall be consistent with the laws of this state.

B. In case the city council consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place. (Prior code § 2-4-7)

2.04.060

Chapter 2.04.070 Salaries, reimbursement and compensation to be set by council.

A. The mayor shall receive an annual salary and such other expense reimbursement or compensation as shall be set by ordinance to be duly enacted by the city council, pursuant to 65 ILCS 5/3.1-50-10.

B. Aldermen. The aldermen shall receive an annual salary and such other expense reimbursement or compensation as shall be set by ordinance to be duly enacted by the city council, pursuant to 65 ILCS 5/3.1-50-10.

C. City Clerk. The city clerk shall receive an annual salary and such other expense reimbursement or compensation as shall be set by ordinance to be duly enacted by the city council, pursuant to 65 ILCS 5/3.1-50-10.

D. City Treasurer. The city treasurer shall receive an annual salary and such other expense reimbursement or compensation as shall be set by ordinance to be duly enacted by the

city council, pursuant to 65 ILCS 5/3.1-50-10. (Amended during 1997 codification: prior code §§ 2-14.1--2-14.4)
2.04.070

Chapter 2.04.080 Salaries of elected city officials.

Salaries or other compensation of elected city officials shall not be increased or diminished so as to take effect during the term of office for which they were elected and shall be fixed at least two months before the general municipal election in which voting is held for the office. Their salaries shall be set by an ordinance other than the city's annual budget or appropriation ordinance. (Amended during 1997 codification: prior code §§ 2-4-9(A) and 2-14-5)
2.04.080

Chapter 2.04.090 Salaries of appointed city officers.

The salaries, fees, or other compensation of any appointed city officer, not including those appointed to fill vacancies in elective city offices, may be increased but shall not be diminished so as to take effect during the term for which the officer was appointed. (Amended during 1997 codification: prior code §§ 2-4-9(B) and 2-14-6)
2.04.090

Chapter 2.04.100 Vacation time.

All full-time appointed city officers, including but not limited to: (i) the city director of community development and administration; (ii) the director of public works; (iii) the superintendent of maintenance; (iv) the chief of police; (v) the assistant chief of police; and (vi) the executive secretary to the mayor, who have been employed by the city for at least one full year from the anniversary date of their initial appointment shall become eligible for paid vacation as indicated by the following table:

Term of Employment	Work Days Off
Having completed 1 year	10 days
Having completed 5 years	15 days
Having completed 10 years	20 days
Having completed 20 years	25 days

(Ord. 935 § 1, 1991)
2.04.100

Chapter 2.04.110 Vacation pay.

Appointed officers assigned vacation will be paid their normal salary and benefits while they are off from work on vacation. Same shall be paid on their regular pay day. (Ord. 935 § 2, 1991)
2.04.110

Chapter 2.04.120 Assignment of vacation.

Annual vacation assignments of full-time appointed officers of the city shall be as

approved and authorized by the city council. So far as practicable, such vacation assignments will be granted at times most desired by the officers so long as such time off does not unreasonably interfere with the efficient operation of the city or the officer's department. Such officers shall be allowed to take vacation a week or weeks or a day or days at a time, as approved by the city council. (Ord. 935 § 3, 1991)

2.04.120

Chapter 2.04.130 Accumulation of vacation.

Full-time appointed city officers shall be entitled to take their vacation as it is earned and shall not be permitted to accumulate unused vacation beyond the calendar year following the calendar year in which it is earned; except that, failure to take and receive vacation time due to the failure of the city council to approve the assignment of the same based upon the needs of the city for the officer's services shall entitle the officer to accumulate a like number of days of vacation to be taken the succeeding calendar year or as soon thereafter as practicable. For example, during the first calendar year of the officer's employment, after the first six months of employment with the city the officer shall be entitled to five days' vacation, which he can take during the first calendar year of his employment and which he must take not later than the second calendar year of employment unless denied the vacation time because of the needs of the city for the officer's services; in which event, the officer shall take the vacation the succeeding calendar year or as soon thereafter as practicable. (Ord. 935 § 4, 1991)

2.04.130

Chapter 2.04.140 Unused vacation.

Unused vacation for the final year of employment of a full-time appointed city officer and accumulated vacation for such officer shall be paid to said officer at the salary rate applicable to the officer for the vacation time involved, at the time he or she retires or is terminated, or shall be paid to the officer's estate or duly authorized legal representative in the event of his or her death. (Ord. 935 § 5, 1991)

2.04.140

Chapter 2.04.150 Required to work on vacation.

Full-time appointed city officers who are required to report for work while on vacation will receive double their regular salary rate of pay or compensatory time off equal to double the hours worked for all hours worked during their vacation, whichever the officer elects. (Ord. 935 § 6, 1991)

2.04.150

Chapter 2.04.160 Holidays.

In the event a holiday falls during the vacation of a full-time appointed city officer, the officer shall receive an additional day off to compensate for the holiday. (Ord. 935 § 7, 1991)

2.04.160

Chapter 2.04.170 Attendance at meetings.

Full-time appointed city officers shall be required to attend various city council meetings

and meetings of committees of the city council which are held and conducted outside of normal working hours, as determined by the mayor and/or the city council, without receipt of compensation therefor in addition to their normal salary as set by ordinance. Attendance at such meetings is hereby found and declared to be an integral part of the duties of such officers. (Ord. 935 § 8, 1991)

2.04.170

Chapter 2.04.180 Fringe benefits for appointed city officers.

All full-time appointed city officers (including but not limited to the director of community development and administration the director of public works, the superintendent of maintenance, the chief of police, the assistant chief of police and the executive secretary to the mayor), shall receive the fringe benefits provided by Chapter 2.68, except as provided in this section.

Until the further order of the city council, all fringe benefits of city employees who are appointed to serve full-time city office shall continue in full force and effect while they serve in appointed city office the same as if they had continued to be employees of the city. In the event of the termination of their service in appointed city office, if they return to service as an employee of the city, they shall have all of the seniority and privileges of service for purposes of vesting and administration of the fringe benefits as if they had had no break-in-service as an employee of the city while they were serving in appointed city office.

Notwithstanding anything in this section to the contrary, with regard to vacation leave and vacation pay benefits of full-time appointed city officers, until the further order of the city council, any person holding appointed city offices after the date hereof shall receive the vacation pay and/or leave benefits provided in city Ordinance No. 935 enacted August 5, 1991 or the benefits to which they would be entitled under the personnel code of the city had they continued to be employed as an employee of the city, whichever is more.

Any city employee who accepts appointment to a full-time city office shall have a right to be reinstated to their former position as an employee of the city upon the termination of their service as an appointed city officer. (Ord. 1008 §§ 1--4, 1992)

2.04.180

Chapter 2.04.190 Illinois Municipal Retirement Fund (IMRF)--Membership eligibility.

The following elected positions qualify for membership in IMRF:

Title of Elected	Beginning Date	Position	Qualified
Mayor	January 1, 1974		
City aldermen	January 1, 1974		
City clerk/collector	January 1, 1974		
Treasurer	January 1, 1974		

(Ord. 1021 § 1, 1992)

Chapter 2.04.200 Commencement of terms of elected City Officers.

The terms of elected City Officers to be elected at the April 7, 2009 Municipal Election shall commence and those elected City Officers shall be

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inaugurated at the second regular meeting of the City Council on May 18, 2009. Thereafter, the terms of elected City Officers shall commence and those elected City Officers shall be inaugurated at the first regular meeting of the City Council after the receipt of the official election results from the County Clerk, except as may hereafter be otherwise required by the Illinois Municipal Code. 65 ILCS 5/3.1-10-15.

(Ordinance No. 2698, Added, 12/15/2008, Added New Section 2.04.200 Commencement of Terms of Elected City Officers.)

Section 2.06**MAYOR****Chapters:**

- 2.06.010 Election.**
- 2.06.020 Vacancy.**
- 2.06.030 Duties.**
- 2.06.040 Appointment of officers.**
- 2.06.050 Removal of appointees.**
- 2.06.060 Designation of officers' duties.**
- 2.06.070 Mayor pro-tem.**
- 2.06.080 Formal occasions.**
- 2.06.090 General duties.**
- 2.06.100 Liquor commissioner.**
- 2.06.110 Health commissioner.**
- 2.06.120 Examination of records.**
- 2.06.130 Deciding vote--Mayor.**

Chapter 2.06.010 Election.

The mayor shall be elected for a four-year term and shall serve until his successor is elected and has qualified. (Prior code § 2-5-1)

2.06.010

Chapter 2.06.020 Vacancy.

A. When a vacancy occurs in the office of a mayor while there remains an unexpired portion of the mayor's term of at least twenty-eight (28) months, and the vacancy occurs at least one hundred thirty (130) days before the next scheduled general municipal election, the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the city clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. The city council shall elect one of their own members to serve as acting mayor in the interim preceding the next general municipal election and the acting mayor shall perform the duties and possess all the rights and powers of the mayor until a successor to fill the vacancy has been elected and has qualified. (65 ILCS 5/311-10-50).

B. When a vacancy occurs in the office of a mayor while there remains an unexpired term of less than twenty-eight (28) months or the vacancy occurs less than one hundred thirty (130) days before the next scheduled general municipal election, the vacancy shall be filled by the city council electing one of their own members acting mayor. The acting mayor shall complete the remainder of the mayor's term and shall perform the duties and possess all the rights and powers of the mayor until a successor is elected and has qualified.

C. When an alderman is designated by the city council as acting mayor to fill a vacancy occurring in the office of mayor, the alderman appointed will continue to vote in the capacity as alderman and shall not be entitled to another vote as acting mayor. (65 ILCS 5/311-40-30). (Amended during 1997 codification; prior code § 2-5-2)

2.06.020

Chapter 2.06.030 Duties.

The mayor shall be the chief executive officer of the city, shall preside over the meetings of the council and shall perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and employees of the city, and shall have the power and authority to inspect all books and records pertaining to city affairs and kept by any officer or employee of the city at any reasonable time. (Prior code § 2-5-3)

2.06.030

Chapter 2.06.040 Appointment of officers.

At the first annual meeting in May, the mayor shall appoint, by and with the advice and consent of the city council, all officers of the city whose election or appointment is not otherwise provided for, and shall hold their respective offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. (Prior code § 2-5-4)

2.06.040

Chapter 2.06.050 Removal of appointees.

The mayor may remove any officer appointed by him under this code on any formal charge whenever he is of the opinion that the interests of the city demand removal in accordance with the Illinois Revised Statutes. (Prior code § 2-5-5)

2.06.050

Chapter 2.06.060 Designation of officers' duties.

Whenever there is a dispute as to the respective duties or powers of any appointed officer of the city, this dispute shall be settled by the mayor after consultation with the city attorney; and the mayor shall have the power to delegate to any appointive officer any duty which is to be performed when no specific officer has been directed to perform that duty. (Prior code § 2-5-6)

2.06.060

Chapter 2.06.070 Mayor pro-tem.

During a temporary absence or disability of the mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the aldermen shall appoint one of its members to act as mayor pro-tem. The mayor pro-tem, during this absence or disability, shall perform his duties and possess all the rights and powers of the mayor. (Prior code § 2-5-7)

2.06.070

Chapter 2.06.080 Formal occasions.

The mayor shall act for and on behalf of the city on formal occasions and receptions, but in his absence or inability to attend any such function, the mayor may select any other city officer to so act. (Prior code § 2-5-8)

2.06.080

Chapter 2.06.090 General duties.

The mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed. (Prior code § 2-5-9)

2.06.090

Chapter 2.06.100 Liquor commissioner.

The mayor is designated as liquor commissioner with all the powers to license and/or revoke any city liquor license according to state and city laws. He may appoint a person to assist him in exercising the powers and duties required of the liquor commissioner. (Prior code § 2-5-11)

2.06.100

Chapter 2.06.110 Health commissioner.

The mayor is declared to be health commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the city authority as prescribed by law. (Prior code § 2-5-12)

2.06.110

Chapter 2.06.120 Examination of records.

The mayor, at all times, may examine and inspect the books, records and papers of any agent, employee or officer of the city. (Prior code § 2-5-13)

2.06.120

Chapter 2.06.130 Deciding vote--Mayor.

The mayor shall preside at all meetings of the city council. He shall not vote on any ordinance, resolution or motion, except: (1) where the vote of the aldermen has resulted in a tie; or (2) where one-half of the aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or (3) where a vote greater than a majority of the corporate authorities is required by the Illinois Revised Statutes to adopt an ordinance, resolution or motion. In each instance specified, the mayor shall vote. Nothing in this section shall deprive an acting mayor or mayor pro-tem from voting in his capacity as alderman, but he shall not be entitled to another vote in his capacity as acting mayor or mayor pro-tem. (Prior code § 2-5-14)

Section 2.08**EXECUTIVE SECRETARY TO THE MAYOR****Chapters:**

- 2.08.010 Appointment.**
- 2.08.020 Job duties.**
- 2.08.030 Removal.**
- 2.08.040 Discontinuance of office.**
- 2.08.050 Salary.**

Chapter 2.08.010 Appointment.

At the first annual meeting in May of each year, the mayor shall appoint, by and with the advice and consent of the city council, an executive secretary to the mayor, to hold office for the ensuing fiscal year of the city, and until his or her successor is appointed and qualified. Any vacancy in the office of executive secretary to the mayor shall be filled in the same manner. The mayor shall issue a commission or certificate of appointment to all persons appointed to the office of executive secretary to the mayor, as soon as practicable after the first annual meeting of the city council in May of each year, evidencing the appointment. (Ord. 752 § 1 (part), 1989: prior code § 2-5-15 1(A))

2.08.010

Chapter 2.08.020 Job duties.

The office of executive secretary to the mayor shall be clerical in nature and shall involve such duties as are, from time to time, assigned to the person holding this office by the mayor; except that, the person holding the office of executive secretary to the mayor shall not participate in nor make policy decisions concerning the government of the city and shall not perform duties delegated by statute or ordinance to the mayor or other elected or appointed municipal officers of the city. (Ord. 752 § 1 (part), 1989: prior code § 2-5-15 1(B))

2.08.020

Chapter 2.08.030 Removal.

Any person appointed to the office of executive secretary to the mayor shall serve at the pleasure of the mayor and may be removed or replaced with or without cause at the discretion of the mayor, on two weeks prior written notice from the mayor. (Ord. 752 § 1 (part), 1989: prior code § 2-5-15 1(C))

2.08.030

Chapter 2.08.040 Discontinuance of office.

By ordinance or resolution, to take effect at the end of the then current fiscal year of the city, the city council, by two-thirds vote of all elected aldermen then holding office, may discontinue the office of executive secretary to the mayor. In the event of the discontinuance of said office, as aforesaid, the city council, with the advise and consent of the mayor, may devolve the duties of that office on any other city officer. After such discontinuance, no officer filling the office so discontinued shall have any claim against the city for salary alleged to accrue after the date of the discontinuance. (Ord. 752 § 1 (part), 1989: prior code § 2-5-15 1(D))

2.08.040

Chapter 2.08.050 Salary.

The executive secretary to the mayor shall receive such salary as the city council shall, from time to time, provide by resolution or ordinance. (Ord. 752 § 1 (part), 1989: prior code § 2-5-15 1(E))

Section 2.10

CITY CLERK

Chapters:

- 2.10.010 Elected.**
- 2.10.020 Vacancy.**
- 2.10.030 Council minutes--Records.**
- 2.10.040 Papers.**
- 2.10.050 Commission, license and permit preparation.**
- 2.10.060 Report of license.**
- 2.10.070 License plates.**
- 2.10.080 Reports.**
- 2.10.090 Successor to receive books, records and other effects.**
- 2.10.100 Collector.**
- 2.10.110 Money collected.**
- 2.10.120 Other duties.**
- 2.10.130 Utilities.**
- 2.10.140 Deputy clerk.**
- 2.10.150 Employees.**

Chapter 2.10.010 Elected.

The clerk shall be elected at the same election as the mayor for a four-year term and shall serve until his successor is elected and has qualified. (Prior code § 2-6-1)

2.10.010

Chapter 2.10.020 Vacancy.

In case the office of city clerk shall become vacant for any reason, the mayor and city council shall appoint a successor as provided by statute. (Prior code § 2-6-2)

2.10.020

Chapter 2.10.030 Council minutes--Records.

The city clerk shall attend all meetings of the city council, and shall keep in a suitable book to be styled "Journal of the City Council," a full and faithful record of its proceedings. The city clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the city council, and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage and when published, of the publication of such ordinance. He shall also record in proper books for the purpose, all official bonds, and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. (Prior code § 2-6-3)

2.10.030

Chapter 2.10.040 Papers.

The clerk shall deliver to the several committees of the city council and to the officers of this city, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the council, on demand therefor. He shall also,

without delay, deliver to the mayor, all ordinances or resolutions, orders, claims in his charge which may require to be approved or otherwise acted upon by the mayor. (Prior code § 2-6-4)
2.10.040

Chapter 2.10.050 Commission, license and permit preparation.

The clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this code and shall attest the same with the corporate seal, and he shall in like manner, attest all deeds for the sale of real estate owned and conveyed by this city. (Prior code § 2-6-5)
2.10.050

Chapter 2.10.060 Report of license.

The clerk shall report to the city council at its regular meetings each month, and oftener if the council so requires the data contained in his license register with respect to licenses issued during the previous month. (Prior code § 2-6-6)
2.10.060

Chapter 2.10.070 License plates.

In all cases where the city requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain from the clerk, plates, tags or stickers, it shall be the duty of the clerk to deliver such plates, tags or stickers free to the person paying the license fee. (Prior code § 2-6-7)
2.10.070

Chapter 2.10.080 Reports.

He shall, on or before the first meeting in each month, make out and submit to the city council a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purpose and on what account the warrants were drawn or paid. (Prior code § 2-6-8)
2.10.080

Chapter 2.10.090 Successor to receive books, records and other effects.

The city clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the city, or pertaining to his office, and not in actual use and possession of other city officers, and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office. (Prior code § 2-6-9)
2.10.090

Chapter 2.10.100 Collector.

The clerk shall act as and perform all duties of collector, unless and until a separate collector is appointed. (Prior code § 2-6-10)

2.10.100

Chapter 2.10.110 Money collected.

The clerk shall turn over all money received by him on behalf of the city to the city treasurer promptly upon receipt of the same; and with such money, he shall give a statement as to the source thereof. (Prior code § 2-6-11)

2.10.110

Chapter 2.10.120 Other duties.

In addition to the foregoing duties, the clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the city council. (Prior code § 2-6-13)

2.10.120

Chapter 2.10.130 Utilities.

The clerk shall prepare monthly utility bills, send out statements and receive collections for the same, and perform any similar functions necessary for the proper execution of said office; including monthly delinquent utility lists and an annual report. (Prior code § 2-6-14)

2.10.130

Chapter 2.10.140 Deputy clerk.

The city clerk, when authorized by the city council, may appoint the deputy clerk, who shall have the power and duty to execute all documents required by any law to be executed by the clerk and affix the seal of the city thereto whenever required. In signing any documents, the deputy clerk shall sign the name of the city clerk, followed with the word "by" and the deputy clerk's name and the words "deputy clerk."

The powers and duties herein described shall be executed by such deputy clerk only in the absence of the city clerk from the city clerk's office in the City Hall, and only when either written direction has been given by the city clerk to such deputy to exercise such power, or the city council has determined by resolution that the city clerk is temporarily or permanently incapacitated to perform such functions. (Prior code § 2-6-15)

2.10.140

Chapter 2.10.150 Employees.

The city clerk shall appoint, with the advice and consent of the city council, all employees in the clerk's office. (Prior code § 2-6-16)

Section 2.12

DEPUTY CITY CLERK

Chapters:

2.12.010 Appointment--Duties.

2.12.020 Signature authority.

Chapter 2.12.010 Appointment--Duties.

The city clerk is authorized to appoint one deputy city clerk. The deputy city clerk shall perform the functions of the city clerk in the absence of the city clerk from the office of the clerk and only when either written direction has been given by the city clerk to such deputy to exercise such power, or the corporate authorities of the city have determined by resolution that the city clerk is temporarily or permanently incapacitated to perform the functions of the city clerk's office, as provided in Section 5/3.1-35-95 of the Illinois Municipal Code of 1961, as amended (56 ILCS 5/3.1-35-95) and Section 2.10.140 of this code. (Amended during 1997 codification: Ord. 948 §§ 1, 2, 1991)

2.12.010

Chapter 2.12.020 Signature authority.

In signing any documents, a duly authorized and appointed deputy city clerk shall sign the name of the clerk followed with the word "by" and the deputy clerk's own name and the words "deputy clerk."

When duly appointed and authorized as herein provided, the signature affixed by any such deputy clerk in the manner herein prescribed on any city document, including, but not limited to, contracts, bonds or other obligations of the city, such documents shall have the same effect as if the document so executed had been signed by the city clerk in person.

The signature affixed to any city document by a deputy city clerk heretofore appointed by the city clerk in acting pursuant to written direction of the city clerk or resolution of the corporate authorities of the city determining the city clerk is incapacitated to perform the clerk's functions are hereby ratified, affirmed and authorized by the city council and the same shall be valid and shall have the same force and effect as if the document was executed by the city clerk in person. (Amended during 1997 codification: Ord. 948 §§ 3--5, 1991)

Section 2.14

CITY TREASURER

Chapters:

- 2.14.010** **Elected.**
- 2.14.020** **Money--Warrants--Accounts.**
- 2.14.030** **Warrant register.**
- 2.14.040** **Funds.**
- 2.14.050** **Deposit of funds.**
- 2.14.060** **Bookkeeping.**
- 2.14.070** **Statements.**
- 2.14.080** **Year-end report.**
- Chapter 2.14.010** **Elected.**

AMENDED BY ORDINANCE NO. 3278 ON 08 01 2016.

(PREVIOUS ORDINANCE) The treasurer shall be elected at the same election as the mayor, for a four-year term and shall serve until his successor is elected and has qualified. In case the office of the city treasurer shall become vacant for any reason, the mayor shall appoint a successor with the advice and consent of the city council. (Prior code § 2-7-1)

2.14.010.

(ORDINANCE 3278)

The Treasurer shall be appointed by the Mayor, subject to the advice and consent of the City Council, for a term of one (1) year, and shall serve until his successor is appointed and has qualified.

If a vacancy occurs in the office of Treasurer, it shall be filled in the same manner as initial appointments are made.

(Ordinance No. 3278, Amended, 08/01/2016, Appointed City Treasurer)

Chapter 2.14.020 Money--Warrants--Accounts.

The city treasurer shall receive all moneys belonging to this city, and shall pay all warrants signed by the mayor and countersigned by the city clerk and not otherwise and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He shall give to every person paying money into the city treasury a receipt therefor, specifying the date of payment, and upon what account paid, and he shall file copies of such

receipts with the clerk with his monthly reports. (Prior code § 2-7-2)
2.14.020

Chapter 2.14.030 Warrant register.

The treasurer shall keep a register of all warrants redeemed and paid by him, showing the number, date, and amount of each, the fund from which paid and the name of the person to whom and when paid, and he shall cancel all warrants as soon as redeemed by him. (Prior code § 2-7-3)
2.14.030

Chapter 2.14.040 Funds.

The treasurer shall keep all moneys in his hands belonging to this city separate and distinct from his own money, and he shall not use either directly or indirectly the city moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this section shall subject him to removal from office by the city council. (Prior code § 2-7-4)
2.14.040

Chapter 2.14.050 Deposit of funds.

He shall deposit the city funds in such depositories as directed by the city council, by ordinance, and he shall keep the city money separate and distinct from his own and shall not intermingle his own money with it or make private or personal use of the city funds. (Prior code § 2-7-8)
2.14.050

Chapter 2.14.060 Bookkeeping.

The treasurer shall keep his books and accounts in such a manner as to show with accuracy all moneys received and disbursed by him for the city, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be at all times open to examination by the mayor or the city council. (Prior code § 2-7-9)
2.14.060

Chapter 2.14.070 Statements.

The treasurer shall report to the corporate authorities at the first monthly meeting a full and detailed account of all receipts and expenditures of the municipality, as shown by his books up to the time of the report. (Ord. 596 § 1, 1985; Ord. 450 § 1, 1979; prior code § 2-7-10)
2.14.070

Chapter 2.14.080 Year-end report.

He shall annually, at the close of the fiscal year, make out and file with the city clerk, a full and detailed report of all the receipts and expenditures of the corporation, as shown by his books and of his transactions as such treasurer, during the preceding fiscal year, and he shall, in

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such report, show the state of the city treasury at the close of said year, which report the city clerk shall publish as required by law. (Prior code § 2-7-11)

Section 2.16

CITY COLLECTOR

Chapters:

2.16.010 Discontinuance of office-- Transfer of duties.

2.16.020 Duties.

Chapter 2.16.010 Discontinuance of office-- Transfer of duties.

Effective the end of the current fiscal year of the city at twelve a.m., April 30, 1997, the office of collector is discontinued and terminated.

Effective the end of the current fiscal year of the city at twelve a.m., April 30, 1997, the duties of the collector' s office are devolved on the city clerk. (Ord. 1502 §§ 1, 2, 1996)

2.16.010

Chapter 2.16.020 Duties.

A. Keeping of Records. In accordance with 65 ILCS 5/3-11-25, the city clerk shall preserve all warrants returned to him and shall keep his books and accounts in the manner prescribed by the city council. All of the city clerk' s warrants, books and vouchers, and all papers pertaining to his office, may be examined at any time by the mayor or any member or committee of the city council.

B. Collection and Remittance of Funds. In accordance with 65 ILCS 5/3-11-25, the city clerk shall pay over to the city treasurer weekly (or more often if required by the city council) all money collected by him from any source whatsoever, taking the city treasurer' s receipt therefore.

C. Monthly Reports. In accordance with 65 ILCS 5/3-11-26, monthly the city clerk shall make a written report to the city council of all money collected by him, the account whereon collected, or any other official matters the city council shall require.

D. Annual Report. In accordance with 65 ILCS 5/3-11-26, between the first and the tenth of April of each year, the city clerk shall file with the city council a statement of:

1. All the money collected by him during the year;
2. The particular warrant, special assessment or account on which collected;
3. The balance of money uncollected on all warrants in his possession; and
4. The balance remaining uncollected at the time of the return on all warrants during the preceding fiscal year.

The city clerk shall publish the statement regarding the same in a newspaper published in the city as required by the statute aforesaid.

E. Prompt Remittance of Funds. In accordance with 65 ILCS 5/3-11-27, the city clerk is prohibited from keeping the city' s money in his possession, or in the possession of any other person for his use, beyond the time prescribed for payment to the city treasurer. Any violation of this provision shall subject the city clerk to removal from office pursuant to 65 ILCS 3.1-55-15.

F. Special Assessments. In accordance with 65 ILCS 5/9-2-79 and 65 ILCS 5/9-2-85, the city clerk shall publish special assessment notices and make returns of delinquent special assessments, where applicable, as required by the aforementioned statutes.

In addition to the statutory duties described above, the city clerk shall be responsible for issuing city vehicle licenses, vending machine licenses, business licenses, liquor licenses authorized by the mayor (as the local liquor control commissioner), and shall receive fees due to the city for such licenses and permits as well as fees and charges due for any other city service

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for which payment of filing fees or other city charges are required (including but not limited to: payment for water and sewer services, filing fees for applications for zoning bulk area variances, zoning special use permits and annexations and publications of notices required for hearings on applications filed). The city clerk shall be custodian of the city files and records relating to his office, which shall be maintained in an orderly fashion and available for inspection during business hours. (Ord. 1502 § 3, 1996)

Section 2.17**CITY ADMINISTRATOR****Chapters:**

- 2.17.010** **Creation of office.**
- 2.17.020** **Qualifications.**
- 2.17.030** **Suspension or removal.**
- 2.17.040** **General duties.**
- 2.17.050** **Bond.**
- 2.17.060** **Administrative services.**
- 2.17.070** **Acting administrator.**
- 2.17.080** **Authority of elected officers undiminished.**
- 2.17.090** **Salary.**
- 2.17.100** **Benefits.**

Chapter 2.17.010 Creation of office.

There is hereby created the appointed city office of City Administrator. The City Administrator shall be appointed by the Mayor with the advice and consent of the City Council. (65 ILCS 5/3.1-30-5). The City Administrator may be removed by the Mayor, subject to reinstatement by two-thirds (2/3) vote of the City Council in accordance with Section 3.1-35-10 of the Illinois Municipal Code (65 ILCS 5/3.1-35-10).

(2.17.010 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.020 Qualifications.

The City Administrator shall be appointed on the basis of education and professional ability. The appointment shall be made without regard to political considerations, race, religion, age or sex. The successful candidate need not be a resident of the city at the time of appointment, but shall become a resident within six (6) months of assuming office, unless said residence requirement is altered or waived by the Mayor and Aldermen.

(2.17.020 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.030 Suspension or removal.

The City Administrator may be suspended from office by resolution approved by the majority of the members of the City Council holding office, which resolution shall set forth the reasons for the suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Administrator. The City Administrator shall have fifteen (15) days in which to reply to the resolution in writing and, upon request, shall be afforded a public hearing before the City Council, which shall occur not earlier than ten (10) days nor later than fifteen (15) days after such hearing is requested. After the public hearing, if a public hearing is requested, and after full consideration, the Mayor may remove the City Administrator from office in accordance with the procedure established by the Illinois Municipal Code. (65 ILCS 5/3.1-35-10), and subject to override of the Mayor's decision for removal of the City Administrator from office by two-thirds (2/3) vote of the City Council as is made and provided for in Section 3.1-35-10 of the Illinois Municipal Code). (65 ILCS 5/3-1-35-10). The City Administrator shall continue to receive full salary until the date of his removal from office, in the event he is removed from office pursuant hereto.

(2.17.030 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.040 General duties.

In discharging the responsibilities of City Administrator, the City Administrator shall:

(A) Coordinate and supervise the activities of all the various departments, commissions and boards of the City.

(B) Direct the day to day activities of each department through the appropriate department head.

(C) Assist the Mayor and Committee Chairmen with the preparation of the agenda for meetings of the City Council and Committees.

(D) Keep the Mayor and Aldermen informed of the activities of the various departments.

(E) Keep the Mayor and Aldermen informed of the fiscal condition of each of the city funds.

(F) Act as purchasing agent for the City within limitations and under conditions as established from time to time by the City Council.

(G) Assume the duties of Budget Officer of the City as defined in Section 8-2-9.1 of the Illinois Municipal Code (65 ILCS 5/8-2-9.1). There shall be no additional remuneration for acting as Budget Officer of the City.

(H) Appoint (and to the extent allowed by the City's Personnel Code) and when necessary, suspend or remove all department heads, with the advice and consent of the City Council. All appointments shall be based solely upon merit and fitness for the job, and all suspensions and dismissals shall be for cause, without regard to race, sex, religious conviction, or political belief or affiliation.

(I) Attend and participate in all meetings of the City

Council, Plan Commission, Zoning Board of Appeals, Street Graphics Committee, Heritage and Preservation Commission and Library Board, unless excused from attending by the Mayor or City Council. Participation does not include the right to vote.

(J) Effectively and efficiently administer the policies adopted by the Mayor and City Council.

(K) Recommend various courses of action to the Mayor and Aldermen, along with possible alternatives.

(L) Promote good relations with other governmental agencies and the public.

(M) Enforce or oversee the enforcement of the Municipal Code of Ordinances of the City of Columbia.

(N) Perform such other tasks which may be required of him or her from time to time by the Mayor and City Council.

(O) Oversee, in the ordinary course of business, all purchases of materials and supplies necessary for the City as provided for in the annual budget ordinance; provided, that on purchase of more than \$10,000, (except as provided in the next subparagraph (P) hereof) the City Administrator shall first procure the approval of the City Council before making such purchases. In such cases, the City Administrator shall comply with the statutory provisions requiring the solicitation of bids.

(P) Emergency purchases exception. Whenever, in the judgment of the City Administrator, exigency shall require the making of any purchases for a price in excess of \$10,000 but less than \$25,000, prior to the next regular meeting of the City Council, the City Administrator, with the written approval of the Mayor, may make such purchase without waiting for formal approval of the specific purchase by the City Council provided that such purchase shall not violate any relevant statutory requirements as to solicitation of bids.

(Q) Recommend to the City Council a classification pay and

benefit plan. Recommend other courses of action and possible alternatives.

(R) Promulgate administrative rules and regulations as long as they are not in conflict with other local or state laws.

**BELOW AMENDED BY ORDINANCE NO. 3376 ON
03/19/2018.**

(P) Emergency purchases exception. Whenever, in the judgement of the City Administrator, exigency shall require the making of any purchases for a price in excess of \$10,000 but less than \$20,000, prior to the next regular meeting of the City Council, the City Administrator, with the written approval of the Mayor, may make such purchase without waiting for formal approval of the specific purchase by the City Council provided that such purchase shall not violate any relevant statutory requirement as to solicitation of bids.

(Ord. No. 3376, Amended, 03/19/2018, Subparagraph P of Chapter 2.17.040 amended by Ord. No. 3376.; Ordinance No. 3341, Amended, 08/21/2017, Amended O and P of the General Duties of the City Administrator.; 2.17.040 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.050 Bond.

The City Administrator shall furnish a surety bond in the amount of \$10,000 to be approved by the City Council, as required by Section 3.1-10-30 of the Illinois Municipal Code (65 ILCS 5/3.1-10-30). The bond shall be conditioned on the faithful performance of the duties of the office. The premium for the bond shall be paid by the City.

(2.17.050 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.060 Administrative services.

Except as otherwise provided by state law or city ordinance, elected and appointed city officers shall deal with the administrative services of the City through the City Administrator and shall not give orders to subordinates of the City Administrator, either publicly or privately.

(2.17.060 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.070 Acting administrator.

If, because of a temporary absence, disability or illness, the City Administrator is unable to carry out the functions of this office, the Mayor, subject to the advice and consent of the City Council, may appoint a member of the City's Senior Administrative Staff or a consultant to serve as acting administrator and carry out the duties of the City Administrator during the City Administrator's absence.

(2.17.070 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.080 Authority of elected officers undiminished.

Nothing in this ordinance shall be deemed to diminish or detract from the statutory powers and authority of the City's elected officials.

(2.17.080 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.090 Salary.

The salary of the City Administrator shall be determined by ordinance, by the Mayor and Aldermen on an annual basis.

(2.17.090 (Ord. 2245), Added, 03/15/2004)

Chapter 2.17.100 Benefits.

The benefits to be provided to the City Administrator, in addition to the salary to be paid to the City Administrator, shall be determined by the City Council by enactment of an ordinance and/or making and entering into a service agreement for the employment of the person appointed to serve as City Administrator.

(2.17.100 (Ord. 2270), Added, 06/07/2004)

Section 2.18

CITY AUDITOR

Chapters:

- 2.18.010 Creation of office.**
- 2.18.020 General duties.**
- 2.18.030 Statements.**
- 2.18.040 Audit.**
- 2.18.050 Financial advice.**
- 2.18.060 Qualifications.**
- 2.18.070 Salary.**

Chapter 2.18.010 Creation of office.

There is created the city office of city auditor who shall be appointed by the mayor by and with the advice and consent of the city council. (Ord. 1006 § 2 (part), 1992; Ord. 753 § 1 (part), 1989; prior code § 2-15-1(A))

2.18.010

Chapter 2.18.020 General duties.

It shall be the duty of the city auditor to work with and assist the city treasurer, the mayor and the city council in preparing and enacting: (i) budgets and budget ordinances of the city; (ii) the annual city appropriation ordinance; and (iii) the annual city tax levy ordinance. The city auditor shall work with and assist the city treasurer in the keeping of books and accounts regarding the receipts and disbursements of city funds, (pursuant to Section 2.14.060 of this code) and the city treasurer's annual report to the city council, (pursuant to Section 3.04.040 of this code). (Ord. 1006 § 2 (part), 1992; Ord. 753 § 1 (part), 1989; prior code § 2-15-2(A))

2.18.020

Chapter 2.18.030 Statements.

The city auditor shall assist the city treasurer in rendering the monthly report of the city treasurer to the city council regarding the receipts and expenditures of the city as shown on the books of the city treasurer, (pursuant to Section 2.14.070 of this code). (Ord. 1006 § 2 (part), 1992; Ord. 753 § 1 (part), 1989; prior code § 2-15-3(A))

2.18.030

Chapter 2.18.040 Audit.

As soon as practicable after the close of each fiscal year of the city, and no later than six months thereafter, the city auditor shall audit all of the accounts of the city. Copies of such audit report shall be filed with the city clerk and with the state auditor of public accounts. (Ord. 1006 § 2 (part), 1992; Ord. 753 § 1 (part), 1989; prior code § 2-15-4(A))

2.18.040

Chapter 2.18.050 Financial advice.

The city auditor shall be the financial adviser of the city, and shall render advice on all

financial questions affecting the city whenever requested to do so by any city official. The city auditor shall evaluate and render financial advice and recommendations to the mayor and the city council regarding bond issues and other types of city financing and financial matters. Upon request by the mayor or the city council, the city auditor shall render written opinions regarding financial matters. (Ord. 1006 § 2 (part), 1992; Ord. 753 § 1 (part), 1989: prior code § 2-15-5(A))
2.18.050

Chapter 2.18.060 Qualifications.

The city auditor shall be a Certified Public Accountant licensed as such by the state of Illinois Department of Education and Registration. Pursuant to Section 3-14-1 of the Illinois Municipal Code, (Ill. Rev. Stat., Ch. 24, Sec. 3-14-1), the city auditor shall not be required to be an elector or resident of the city. (Ord. 1006 § 2 (part), 1992; Ord. 753 § 1 (part), 1989: prior code § 2-15-6(A))
2.18.060

Chapter 2.18.070 Salary.

The annual salary to be paid to the city auditor shall be eight thousand six hundred and forty dollars (\$8,640.00). In addition thereto, the city auditor shall be entitled to additional compensation for special projects requiring additional time, effort and expertise, including but not limited to general obligation and/or revenue bond financing in which the city may, from time to time, be involved. The terms and amounts of increased compensation for special projects will be agreed upon between the city auditor and the corporate authorities prior to the city auditor engaging in such special projects. (Ord. 1006 § 2 (part), 1992; Ord. 899 § 1, 1991: prior code § 2-15-7(A))

Section 2.19

CITY ENGINEER

Chapters:

- 2.19.010 Creation of office.**
- 2.19.020 Job summary.**
- 2.19.030 Powers and duties.**
- 2.19.040 Skills, knowledge and ability required.**
- 2.19.050 Education, certification and experience required.**

Chapter 2.19.010 Creation of office.

There is hereby created the office of City Engineer, an executive office of the city. The office shall be filled by appointment of the Mayor with the advice and consent City Council.

(Ordinance No. 2497, Added, 10/02/2006, Created office of City Engineer.)

Chapter 2.19.020 Job summary.

(To be added by enactment of a later ordinance).

(Ordinance No. 2497, Added, 10/02/2006, Created Office of City Engineer.)

Chapter 2.19.030 Powers and duties.

(To be added by enactment of a later ordinance).

(Ordinance No. 2497, Added, 10/02/2006, Created office of City Engineer.)

Chapter 2.19.040 Skills, knowledge and ability required.

(To be added by enactment of a later ordinance).

(Ordinance No. 2497, Added, 10/02/2006, Created office of City Engineer.)

Chapter 2.19.050 Education, certification and experience required.

(To be added by enactment of a later ordinance).

(Ordinance No. 2497, Added, 10/02/2006, Created office of City Engineer.)

Section 2.20

CITY ATTORNEY

Chapters:

- 2.20.010 Creation of office.**
- 2.20.020 Suits and actions.**
- 2.20.030 Judgments.**
- 2.20.040 Advice.**
- 2.20.050 Special assessments.**
- 2.20.060 Ordinances and documents.**
- 2.20.070 Additional counsel.**

Chapter 2.20.010 Creation of office.

There is created the office of city attorney, an executive office of the city. The city attorney shall be appointed by the mayor and with the advice and consent of the city council. (Prior code § 2-8-1)

2.20.010

Chapter 2.20.020 Suits and actions.

The city attorney shall prosecute or defend any and all suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the city on behalf of the city, or in the capacity of such person as an officer of the city. (Prior code § 2-8-2)

2.20.020

Chapter 2.20.030 Judgments.

It shall be the duty of the city attorney to see to the full enforcement of all judgments, or decrees rendered or entered in favor of the city, and of all similar interlocutory orders. (Prior code § 2-8-3)

2.20.030

Chapter 2.20.040 Advice.

The city attorney shall be the legal advisor of the city, and shall render advice on all legal questions affecting the city whenever requested to do so by any city official. Upon request by the mayor or by the city council, he shall reduce any such opinion to writing. (Prior code § 2-8-4)

2.20.040

Chapter 2.20.050 Special assessments.

It shall be the duty of the city attorney to see to the completion of all special assessment proceedings and condemnation proceedings. (Prior code § 2-8-5)

2.20.050

Chapter 2.20.060 Ordinances and documents.

It shall be his duty to draft or supervise the phraseology of any contract, lease or other document or instrument, to which the city may be a party; and upon request by the council, to draft ordinances or resolutions covering any subjects within the power of the city. (Prior code § 2-8-6)

2.20.060

Chapter 2.20.070 Additional counsel.

The city council may retain or authorize the employment of other counsel to give advice or render service to the city. (Amended during 1997 codification; prior code § 2-8-7)

Section 2.22

CHIEF OF POLICE

Chapters:

- 2.22.010 Creation of office.**
- 2.22.020 Job summary.**
- 2.22.030 Principal duties and responsibilities.**
- 2.22.040 Skills, knowledge and abilities required.**
- 2.22.050 Education, certification and experience required.**
- 2.22.060 Collective bargaining.**

Chapter 2.22.010 Creation of office.

There is created the office of city chief of police, an executive office of the city. The office shall be filled by appointment of the mayor with the advice and consent of the city council. The city chief of police shall also serve as city marshal. (Ord. 826 § 1 (part), 1990: prior code § 2-19-1)

2.22.010

Chapter 2.22.020 Job summary.

It shall be the responsibility of the chief of police to plan, organize and direct the operation of the city's police department. An appointee in this position shall be responsible for planning, organizing and directing the activities of commissioned and civil employees of the city's police department. The city chief of police shall be responsible for the development and implementation of departmental policies relating to law enforcement, communications, and administrative activities, and for complete internal control over police activities and personnel. The city chief of police shall receive administrative direction from the city director of community development and administration, the mayor and the city council. (Ord. 826 § 1 (part), 1990: prior code § 2-19-2)

2.22.020

Chapter 2.22.030 Principal duties and responsibilities.

The City Chief of Police, subject to supervision by the Mayor, the City Administrator and the City Council, shall be responsible for the performance of the Police Department of the City and all of its functions and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

The Chief of Police and members of the Police Department shall have the powers of arrest and detention as set out in the Illinois Statutes and shall bear the responsibility for enforcement of all criminal and quasi-criminal statutes and ordinances. The Chief of Police shall supervise the Police Department to: preserve the peace and order of the City; protect persons and property from harm; prevent crime and detect and apprehend persons suspected of crimes (including felony, misdemeanor, traffic and petty offenses and ordinance violations); regulate traffic upon public thoroughfares; secure all necessary complaints, warrants and other documents for the enforcement of police duties;

have custody of lost or stolen property; and maintain proper records of crimes and criminals and matters relating thereto.

All officers and employees employed by or assigned to the Police Department shall be under the direct supervision and direction of the City's Chief of Police.

With respect to commissioned officers of the Police Department of the City, the Chief of Police, along with the Columbia Board of Fire and Police Commissioners, shall be responsible for discipline, subject to the terms of any then applicable collective bargaining agreement between the City and the Illinois Uniform Peace Officer's Disciplinary Act (50 ILCS 725/1 et. seq.). With respect to non-commissioned employees of the Police Department, the Chief of Police shall be responsible for discipline up to and including discharge, subject to the terms of any then applicable collective bargaining agreement and City personnel ordinances.

The Chief of Police shall continuously learn and implement procedures necessary to insure the protection and legal rights of all persons, including those taken into custody, while reducing risks to all persons, including employees of the police department. He or she shall advise superiors of risks and manage risks to reduce undesirable outcomes.

The Chief of Police shall plan, organize and direct the activities of the commissioned officers and civilian employees of the Police Department. He or she shall communicate and enforce compliance with the City and departmental policies, rules, regulations and procedures in the Police Department. The Chief of Police shall exercise general supervision over the Police Department; formulate and enforce departmental rules, regulations, work methods, policies and procedures and initiate planning activities to improve departmental operations.

The Chief of Police shall manage or assist with the negotiations with bargaining units representing the commissioned officers and/or employees of the Police Department and shall work with the City Council or its designee(s) in collective bargaining with the bargaining unit representing the Police Department officers or employees.

The Chief of Police shall direct the preparation of the Police Department budget; coordinate purchases of equipment and prepare reports on equipment, supplies, and personnel needs; shall approve purchase orders; shall maintain detailed expense records for the Police Department; and shall prepare monthly and annually activity reports outlining the activities of the department and present the same to the City Council as the City Council shall, from time to time, require.

The Chief of Police shall be responsible for scheduling shifts and assigning Police Department personnel; participate regularly in patrol, detective and other field operations of the department.

The Chief of Police shall advertise for, interview, test and recommend for hire, all Police Department officers and employees; direct evaluation of Police Department officers and employees; assess employment training needs and take required action to meet department needs.

The Chief of Police shall complete and assist staff to complete necessary documentation and prepare or supervise the preparation of cases for court presentation.

The Chief of Police shall design and implement vehicle maintenance schedules.

The Chief of Police shall be in charge of the investigation of major criminal cases; conduct internal investigations and make reports to the City Administrator, the Mayor and/or the City Council regarding the same.

The Chief of Police shall be in charge of the personnel files of the Police Department and shall monitor the same and insure compliance with the City and departmental personnel policies.

For purchase of capital equipment of the Police Department, the City Chief of police shall develop bid specifications and work with the City Administrator and the City Council in soliciting bids.

The Chief of Police shall perform such related work as shall be, from time to time,
assigned to him by the City Administrator, the Mayor and/or the City Council.

(Ord. 826 § 1 (part), 1990: prior code § 2-19-3) 2.22.030
(Ordinance No. 2508, Amended, 11/06/2006)

Chapter 2.22.040 Skills, knowledge and abilities required.

Comprehensive knowledge of modern law enforcement and police administration principles, methods, and techniques; comprehensive knowledge of judicial system;

Comprehensive knowledge of federal and state laws and city ordinances. Thorough knowledge of constitutional rights;

Comprehensive knowledge of departmental rules, regulations and established procedures;

Thorough knowledge of modern supervisory principles, practices and techniques;

Good knowledge of budget process and financial controls;

Good knowledge of the city's geography, street system, and building locations;

Ability to effectively plan, organize, direct and evaluate law enforcement, communications and administrative activities;

Ability to think and act quickly with good judgment in a manner consistent with departmental policies in emergency situations, and to provide leadership to department personnel;

Ability to deal calmly, objectively, firmly and tactfully with suspects, witnesses, subordinate officers and personnel, city officials, and the general public;

Ability to establish and maintain effective working relationships with representatives of other law enforcement agencies, community organizations, city officials, subordinate personnel

and the general public;

Ability to communicate effectively in oral and written form;

Proficient in the care and use of firearms;

Proficient in operating a police vehicle under hazardous and emergency conditions. (Ord. 826 § 1 (part), 1990: prior code § 2-19-4)

2.22.040

Chapter 2.22.050 Education, certification and experience required.

Preferably the chief of police shall be a graduate of an accredited college or university with a degree in criminal justice or a related field, he or she shall be a graduate of the police academy and shall have such other prescribed formal or informal training as shall be required by the city council and by law, and shall have extensive experience in law enforcement work. (Ord. 826 § 1 (part), 1990: prior code § 2-19-5)

2.22.050

Chapter 2.22.060 Collective bargaining.

The city chief of police, as an appointed executive officer of the city, shall not be eligible for membership in any labor union or other collective bargaining unit or organization during his or her tenure in office as chief of police. (Ord. 826 § 1 (part), 1990: prior code § 2-19-6)

Section 2.24

DEPUTY CHIEF OF POLICE

Chapters:

- 2.24.010 Creation of office.**
- 2.24.011 Appointment.**
- 2.24.012 Term.**
- 2.24.013 Qualification.**
- 2.24.014 Removal.**
- 2.24.020 Job summary.**
- 2.24.030 Powers and duties.**
- 2.24.040 Skills, knowledge and ability required.**
- 2.24.050 Education, certification and experience required.**
- 2.24.060 Collective bargaining.**

Chapter 2.24.010 Creation of office.

There is created the office of deputy chief of police, also known as assistant chief of police, an appointed executive office of the city. (Ord. 1815 § 1 (part), 2000)

2.24.010

Chapter 2.24.011 Appointment.

The office of deputy chief of police shall be filled, annually, by appointment by the chief of police. (Ord. 1815 § 1 (part), 2000)

2.24.011

Chapter 2.24.012 Term.

The person appointed to fill the office of deputy chief of police shall serve a term of one year, commencing May 1st and ending April 30th of the succeeding calendar year, the same being the fiscal year of the city, and until their successor is appointed and qualified. (Ord. 1815 § 1 (part), 2000)

2.24.012

Chapter 2.24.013 Qualification.

The person appointed to serve as Deputy Chief of Police shall be required to be a resident of the City. He or she may be appointed from any rank of sworn full-time Police Officers of the City's Police Department, but must have at least five (5) years of full-time service as a sworn full-time Police Officer of the City. (Ord. 1815 § 1 (part), 2000)

2.24.013 (Ord. 2194), Amended, 07/21/2003)

Chapter 2.24.014 Removal.

A deputy police chief will serve at the discretion of the chief of police. If removed from the position of deputy chief of police, the person removed shall revert to the rank they held immediately prior to appointment to the deputy chief of police. (Ord. 1815 § 21 (part), 2000)

2.24.014

Chapter 2.24.020 Job summary.

The deputy chief of police shall be responsible for supervision, administration and field work of the city police department as assigned and directed by the city chief of police. An appointee in this position shall be responsible for assisting the city chief of police with the direction, supervision and coordination of all units of the police department and for performance of the functions associated therewith. He or she shall be responsible for assisting the chief of police in the development and implementation of departmental policies, procedures, rules and regulations and for assuming the duties of the city chief of police in case of his or her absence or as otherwise delegated by the chief of police. The deputy chief of police shall be the second in command in the Columbia police department. (Ord. 1815 § 1 (part), 2000)

2.24.020

Chapter 2.24.030 Powers and duties.

The deputy chief of police shall supervise all commissioned officers and other employees of the police department (other than the chief of police) according to guidelines established by the chief of police. He or she shall assist the chief of police in the preparation and administration of the police department budget.

The deputy chief of police shall assist the chief of police in the overall direction of the police department and shall participate in the development and implementation of practices, procedures, rules, regulations and programs of the police department. He or she shall act for the chief of police in his or her absence and as otherwise delegated by the chief of police.

The deputy chief of police shall assist the chief of police and the city council or their designee(s) in negotiations with the bargaining unit representing officers and/or employees of the city police department.

The deputy chief of police shall review officer reports and case files to insure completeness, shall keep abreast of unit and individual performance, shall identify trends or cases requiring additional attention; shall evaluate the performance of subordinate personnel; and shall determine the need for new programs and evaluate officers for special assignments.

The deputy chief of police shall respond to and take command of major operations or emergencies in the absence of the chief of police and shall coordinate general police activities with other law enforcement agencies.

The deputy chief of police shall perform all tasks assigned to him or her by the chief of police, or in the absence of the chief of police, assigned by the mayor or the city council. (Ord. 1815 § 1 (part), 2000)

2.24.030

Chapter 2.24.040 Skills, knowledge and ability required.

Thorough knowledge of modern law enforcement and police administration principles, practices, methods and techniques;

Thorough knowledge of federal and state laws and city ordinances; thorough knowledge of constitutional rights;

Thorough knowledge of departmental rules, regulations and established procedures;

Good knowledge of modern supervisory principles, practices and techniques;

Good knowledge of risk management techniques;

Good knowledge of the city's geography, street system and building locations;

Ability to effectively plan, organize, direct and evaluate patrol and associated activities;

Ability to think and act quickly with good judgment in a manner consistent with departmental policies in emergency situations, and to provide leadership to subordinate officers;

Ability to deal calmly, objectively, firmly and tactfully with suspects, witnesses, subordinate officers and the general public;

Ability to establish and maintain effective working relationships with representatives of other law enforcement agencies, community organizations, fellow employees and the general public;

Ability to deal effectively with juveniles and their families;

Ability to train others and to communicate effectively in oral and written form;

Proficient in the care and use of firearms;

Proficient in operating a police vehicle under hazardous and emergency conditions. (Ord. 1815 § 1 (part), 2000)

2.24.040

Chapter 2.24.050 Education, certification and experience required.

The deputy chief of police shall be a graduate of an accredited general or technical high school and the police academy; and preferably, shall have satisfactorily completed a two-year college level course of study in criminal justice or a related field. He or she shall complete or shall have completed necessary specialized training in the juvenile justice system and shall have the training and ability to deal effectively with juvenile offenders. The deputy chief of police shall have completed advanced firearms training and shall possess such other prescribed formal or informal training as shall be required by law and the city council and shall possess extensive experience in law enforcement work. The deputy chief of police shall have at least five years of full-time service as a sworn full-time police officer of the city at the time of his or her appointment. (Ord. 1815 § 1 (part), 2000)

2.24.050

Chapter 2.24.060 Collective bargaining.

The city deputy chief of police, as an appointed executive officer of the city, shall not be eligible for membership in any labor union or other collective bargaining unit or organization during his or her tenure in office as deputy chief of police. (Ord. 1815 § 1 (part), 2000)

Section 2.26**BUDGET OFFICER****Chapters:**

- 2.26.010** **Creation of office of budget officer.**
- 2.26.020** **Incorporation of municipal code provisions pertaining to budget officer.**
- 2.26.030** **Compensation of budget officer.**
- 2.26.040** **Powers and duties of the budget officer.**
- 2.26.050** **Compilation and content of the annual budget.**
- 2.26.060** **Effect of passage of annual budget.**
- 2.26.070** **Creation in the annual budget of a capital improvement, repair or replacement fund.**
- 2.26.080** **Revision of annual budget after adoption.**
- 2.26.090** **Contingency fund in the annual budget.**
- 2.26.100** **Procedure for adopting an annual budget.**
- 2.26.110** **Procedure for abandonment of budget process.**
- 2.26.120** **Filing of budget ordinance with county clerk.**

Chapter 2.26.010 Creation of office of budget officer.

There is created the appointive city office in and for the city to be known as budget officer, an executive office in the city. The budget officer shall be appointed annually by the mayor, with the approval of the city council, at the first meeting of the city council held in May of each year, or as soon thereafter as is practicable. The person appointed to fill the office of budget officer shall serve at the pleasure of the mayor. The budget officer may hold another elected or appointed office in the city and may receive compensation for both offices. Following his or her appointment as budget officer, and prior to commencement of his or her service as budget officer, the person appointed shall take and subscribe to an oath of office and post a bond as provided by Section 3-14-3 of the Illinois Municipal Code (Ill. Rev. Stat., Ch. 24, Para. 3-14-3) and the city ordinances. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-1(B))

2.26.010

Chapter 2.26.020 Incorporation of municipal code provisions pertaining to budget officer.

The city adopts and incorporates herein by reference Sections 8-2-9.1 through 8-2-9.10 of the Illinois Municipal Code (Ill. Rev. Stat., Ch. 24, paragraphs 8-2-9.1 through 8-2-9.10) the same as if set forth herein verbatim (except that all references therein to "municipality" shall be changed to "city" or the "city of Columbia, Illinois"). The incorporation by reference herein provided for shall be of said Act as it is now in effect on the date hereof and as the same may be hereafter amended. In the event of any conflict with or inconsistency between the provisions of this chapter and the Act, the Act shall control and this chapter shall be read and regarded as having been amended to be consistent with the Act as from time to time the Act is in effect. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-2(B))

2.26.020

Chapter 2.26.030 Compensation of budget officer.

The compensation to be paid annually to the budget officer shall be as is established by

ordinance to be enacted by the city council, at or as soon as practicable after the first meeting of the city council in May of each year. The annual salary shall be provided for in the annual budget of the city to be prepared by the budget officer and adopted prior to commencement of each fiscal year of the city on May 1st of each year. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-3(B))

2.26.030

Chapter 2.26.040 Powers and duties of the budget officer.

The powers and duties of the budget officer, shall be as follows:

A. Permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting and other fiscal management procedures in all city departments, commissions and boards;

B. Compile an annual budget in accordance with Section 2.26.050;

C. Examine all books and records of all city departments, commissions and boards which relate to moneys received by the city, city departments, commissions and boards, and paid out by the city, city departments, commissions and boards, debts and accounts receivable, amounts owed by or to the city, city departments, commissions and boards.

D. Obtain such additional information from the city, city departments, commissions and boards as may be useful to the budget officer for purposes of compiling a city budget, such information to be furnished by the city, city departments, commissions, and boards in the form required by the budget officer. Any department, commission or board which refuses to make such information as is requested of it available to the budget officer shall not be permitted to make expenditures under any subsequent budget for the city until such city department, commission, or board shall comply in full with the request of the budget officer.

E. Establish and maintain such procedures as shall insure that no expenditures are made by the city, city departments, commissions or boards except as authorized by the budget. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-4(B))

2.26.040

Chapter 2.26.050 Compilation and content of the annual budget.

The city budget officer shall compile an annual city budget, such budget to contain estimates of revenues available to the city for the fiscal year for which the budget is drafted, together with recommended expenditures for the city and all of the city's departments, commissions and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. Substantial conformity to a chart of accounts, now or in the future, recommended by the National Committee on Governmental Accounting, or the Auditor of Public Accounts of the State of Illinois, or the Division of Local Governmental Affairs and Property Taxes of the Department of Revenue of the state of Illinois or successor agencies shall be deemed proof of such conformity. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. So far as is possible, the fiscal data for such two preceding fiscal years shall be itemized in a manner which is in conformity with the chart of accounts approved hereinabove. Each budget shall show the specific fund from which each anticipated expenditure shall be made. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-5(B))

2.26.050

Chapter 2.26.060 Effect of passage of annual budget.

Passage of the annual budget by the city council shall be in lieu of passage of an annual appropriation ordinance by the city. The annual budget need not be published except in the manner provided in Section 2.26.100. The annual budget shall be adopted by the city council prior to the beginning of the fiscal year to which it applies. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-6(B))

2.26.060

Chapter 2.26.070 Creation in the annual budget of a capital improvement, repair or replacement fund.

In the preparation by the city budget officer of the annual city budget, an amount not to exceed three percent of the equalized assessed value of property subject to taxation by the city may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs and/or replacements of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the capital improvement, repair or replacement fund. Expenditures from the capital improvement, repair or replacement fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. Upon the completion or abandonment of any object for which the capital improvement, repair or replacement fund, or should any surplus moneys remain after the completion or abandonment of any object for which the capital improvement, repair or replacement fund was inaugurated, then and in that event such funds no longer necessary for capital improvement, repair or replacement shall be transferred into the general corporate fund of the city on the first day of the fiscal year following such abandonment, completion, or discovery of surplus funds. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-7(B))

2.26.070

Chapter 2.26.080 Revision of annual budget after adoption.

The city council may delegate authority to heads of city departments, commissions, or boards to delete, add to, change or create sub-classes within object classes budgeted previously to the department, commission or board, subject to such limitation or requirement for prior approval by the budget officer or chief executive officer of the city as the city council, upon a two-thirds vote of the city council then holding office, may establish. By a like vote of the members of the city council then holding office, the annual budget for the city may be revised by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-8(B))

2.26.080

Chapter 2.26.090 Contingency fund in the annual budget.

The annual budget may contain money set aside for contingency purposes not to exceed ten percent of the total budget, less the amount set aside for contingency purposes, which moneys may be expended for contingencies upon a majority vote of the city council then holding office. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-9(B))

2.26.090

Chapter 2.26.100 Procedure for adopting an annual budget.

The city council shall make the tentative annual budget conveniently available to public inspection at least ten days prior to the passage of the annual budget, by publication in the journal of the proceedings of the city council or publication in pamphlet form of a budget ordinance, or in such other form as the city council may prescribe. Not less than one week after the publication of the tentative annual budget and prior to final action on the budget, the city council shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without any further inspection, notice or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the city at least one week prior to the time of the hearing. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-10(B))

2.26.100

Chapter 2.26.110 Procedure for abandonment of budget process.

Should the city council hereafter deem it to be in the welfare and best interest of the city to abandon the office of budget officer and the annual budget process in lieu of an annual appropriation ordinance, the city may do so on two-thirds majority vote of the city council then holding office. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-11(B))

2.26.110

Chapter 2.26.120 Filing of budget ordinance with county clerk.

In accordance with the requirements of Section 162 of the Revenue Act of the state of Illinois (Ill. Rev. Stat., Ch. 120, Para. 643), within thirty (30) days after the adoption of the city's budget ordinance, the city clerk shall file with the Monroe County, Illinois clerk: (i) a certified copy of the budget ordinance, and (ii) an estimate of revenues anticipated by the city for the ensuing fiscal year of the city to be prepared and certified by the budget officer, as the chief fiscal officer of the city. (Ord. 1006 § 3 (part), 1992: prior code § 2-15-12(B))

Section 2.28

CITY DIRECTOR OF PUBLIC WORKS

Chapters:

- 2.28.010 Creation of office.**
- 2.28.020 Job summary.**
- 2.28.030 Powers and duties.**
- 2.28.040 Skills, knowledge and ability required.**
- 2.28.050 Education, certification and experience required.**

Chapter 2.28.010 Creation of office.

There is created the office of city director of public works, an executive office of the city. The office shall be filled by appointment of the mayor with the advice and consent of the city council. (Ord. 824 § 1 (part), 1990: prior code § 2-18-1)

2.28.010

Chapter 2.28.020 Job summary.

The city director of public works is responsible for engineering, planning, organizing and directing the maintenance and repair of the city' s infrastructure, including streets, sidewalks, city-owned and operated utilities, buildings, lands and other properties and is responsible for directing the maintenance and operation of city equipment and city vehicles.

An appointee to the position of director of public works is responsible for completing, directly or through subcontractors, design and engineering specifications required by the city. The director of public works shall work closely with the superintendent of public works and shall supervise, plan, organize, schedule and direct the programs and activities of the city' s public works department. The director of public works shall be responsible for planning, assigning and inspecting the work of city maintenance employees involved in construction and maintenance tasks and equipment operations, and shall coordinate work performed by contractors, engineers and public utilities in the city. The director of public works is responsible for monitoring the performance of subordinates, resolving maintenance work-related problems, and investigating citizens complaints pertaining to public works. The director of public works shall be under the direct supervision of the city director of community development and administration and his performance shall be reviewed and evaluated by the city director of community development and administration through conferences and reports.

The director of public works may also be appointed by the mayor, with the advice and consent of the city council, to serve as the city engineer for the same or such additional salary and/or the same or such additional other compensation as the city council shall, from time to time, decide. (Ord. 824 § 1 (part), 1990: prior code § 2-18-2)

2.28.020

Chapter 2.28.030 Powers and duties.

The director of public works shall be responsible for planning, organizing, scheduling and directing public works projects. Public works projects shall include but not be limited to major and minor repairs and replacements of city infrastructure systems and may involve employee operation of heavy equipment. Public works projects shall include but not be limited to construction of water and sewer lines; erection and maintenance of city buildings; construction

and repair of city streets, sidewalks, bridges, water towers, patching and asphalt overlays; inspecting and cleaning storm sewers and removal of debris therefrom; the striping of streets; mosquito spraying; snow removal; and, tree work and landscaping.

The director of public works shall be responsible for coordinating and directing the city maintenance departmental administrative functions; implementing city personnel codes within the city maintenance department; interviewing and recommending candidates for employment to the city maintenance department; and, completing performance evaluations for city maintenance employees.

The director of public works shall assess present and future design and engineering requirements of the city and shall consult with the city director of community development and administration regarding the establishment and promotion of long range planning objectives of the city.

The director of public works shall keep advised of the short range public works objectives established by the city director of community development and administration and the city council, and shall establish implementation schedules, cost estimates and manpower needs in order to accomplish the same. He shall create design and engineering plans for the city, as needed. He shall prepare requests for bid proposals to be presented to the city council by the city director of community development and administration, implement approve bidding processes and review bids to be presented to the city council by the city director of community development and administration.

As required, the director of public works shall recommend to the city director of community development and administration and/or the city council the use of consulting engineers, registered land surveyors, architectural consultants whose services are needed in order to complete the work assigned to the director of public works. He shall have and maintain a thorough knowledge of modern engineering and design standards. He shall interface with county, state and federal agencies to insure proper coordination of projects in the city and to secure and properly use available funds.

The director of public works shall direct the servicing, maintenance and repair of all city vehicles and motorized equipment and shall be the chief executive officer of the maintenance department of the city and shall supervise the operation of the maintenance department garage(s).

Periodically, the director of public works shall inspect all city systems, equipment, buildings and property to determine maintenance and repair work required; he shall be responsible for directing hazardous conditions that exist on city streets, roads and public ways and he shall be responsible to citizen and aldermanic complaints regarding the operation of the city maintenance department.

The director of public works shall make recommendations to the city director of community development and administration regarding annual plans and budgets for the maintenance department; he shall be responsible for the maintenance of daily logs and departmental records; preparation of maintenance employee time sheets; preparation of maintenance department activity and vehicle reports; for ordering necessary supplies and equipment incurred by the maintenance department (where the purchase of same has been authorized by the city council where city council authorization is required); and he shall initiate and maintain detailed data base which organizes facts about public works projects.

The director of public works shall attend city council and committee meetings as required by the city council and/or the city's director of community development and administration; he shall provide cost estimates and assistance in interpreting engineering plans and specifications as required by the city director of community development and administration and/or the city council; and he shall prepare special reports as required.

The director of public works shall perform such related work as is assigned to him by the city council, the mayor, and/or the city director of community development and administration.

(Ord. 824 § 1 (part), 1990: prior code § 2-18-3)
2.28.030

Chapter 2.28.040 Skills, knowledge and ability required.

Comprehensive knowledge of modern civil engineering and its application to public works projects. Ability to complete design and engineering drawings and bid packages, evaluate proposals and companies, and effectively implement projects;

Thorough knowledge of the materials, methods and practices used in the construction and maintenance of public property;

Thorough knowledge of the proper construction, maintenance and operation of sewage treatment facilities, including knowledge of federal and state regulations;

Good knowledge of modern supervisory methods and techniques, including necessary training requirements to insure proper operation of equipment;

Good knowledge of the materials, methods and practices used in vehicle maintenance and repair;

Thorough knowledge of risk management principles and practices;

Ability to issue and follow oral and written instructions;

Ability to plan, organize and direct the work of subordinate street maintenance workers;

Ability to deal calmly, objectively, firmly and tactfully with city officials, contractors, engineers, utilities, subordinate employees, and the general public;

Ability to communicate effectively in oral and written form. (Ord. 824 § 1 (part), 1990: prior code § 2-18-4)

2.28.040

Chapter 2.28.050 Education, certification and experience required.

Graduation from an accredited college or university with a degree in civil engineering or a related field, and extensive, progressively responsible, supervisory and administrative experience in municipal public works and construction; or any equivalent combination of training and experience. (Ord. 824 § 1 (part), 1990: prior code § 2-18-5)

Section 2.32

PLAN COMMISSION

Chapters:

2.32.010 Creation and membership.

2.32.020 Bylaws.

Chapter 2.32.010 Creation and membership.

There is created a plan commission which shall consist of nine members, citizens of the city or of not more than one and one-half miles beyond the city limits, appointed by the mayor and subject to confirmation by the city council. The mayor and city clerk, respectively, shall be ex-officio members of the plan commission, without a vote on the commission. None of the appointive members shall hold any elective or appointive office of this municipality, except that one of such appointive members may be a member of the board of zoning appeals, if such a board shall have been established.

(Ord. 615 § 1, 1986: prior code § 3-3-1) 2.32.010

Chapter 2.32.020 Bylaws.

That the Plan Commission shall adopt bylaws to govern its operating rules and procedures, which shall be approved by City Council resolution.

(Ord. No. 3466, Amended, 07/01/2019)

Section 2.33

PARK & RECREATION ADVISORY BOARD

Chapters:

- 2.33.010 Creation and Membership.**
- 2.33.020 Terms and Inaugural Appointments.**
- 2.33.030 Duties and Responsibilities.**
- 2.33.040 Bylaws.**

Chapter 2.33.010 Creation and Membership.

There shall be a Park & Recreation Advisory Board hereby established for the City of Columbia. The advisory board shall consist of 9 members, appointed by the mayor, by and with the advice and consent of the City Council. Members shall be residents of the city or represent an organization located within the city having a vital interest or mission to promote physical health or recreational activities. One member shall represent Columbia CUSD 4, provided the school district submits a candidate for consideration.

(Ord. No. 3474, Added, 10/07/2019)

Chapter 2.33.020 Terms and Inaugural Appointments.

Members of the advisory board shall serve 3-year terms, staggered such that the terms of 3 membership positions shall expire each year on April 30. Inaugural membership shall consist of the members and terms of the Columbia PLAY Commission as appointed by Ordinance No. 3464 adopted June 3, 2019.

(Ord. No. 3474, Added, 10/07/2019)

Chapter 2.33.030 Duties and Responsibilities.

The advisory board shall be responsible for advising and making recommendations to the City Council on matters pertaining to:

- A) The development, maintenance, and operation of City of Columbia parks, recreational facilities, and off-street recreational trails.
- B) The provision of recreational programs and related services for the citizens of Columbia.
- C) Long-term park system planning and short-term park capital improvement planning.
- D) The expenditure of revenues collected pursuant to the Illinois Video Gaming Act (230 ILCS 40), which are intended for the benefit of city parks and recreational facilities per Ordinance No. 2957, adopted June 4, 2012. This shall not include funding previously allocated from said revenues by the City Council prior to the establishment of the advisory board.

(Ord. No. 3474, Added, 10/07/2019)

Chapter 2.33.040 Bylaws.

The Park & Recreation Advisory Board shall adopt bylaws to govern its operating rules and procedures, which shall be approved by City Council resolution. Said bylaws shall be the first

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matter of business considered by the advisory board upon its establishment, and no other matters shall be considered prior to the City Council's approval of said bylaws.
(Ord. No. 3474, Added, 10/07/2019)

Section 2.34**POLICE DEPARTMENT****Chapters:**

- 2.34.010 Department established.**
- 2.34.020 Administration.**
- 2.34.025 Residency.**
- 2.34.030 Employees.**
- 2.34.040 Bond.**
- 2.34.050 Chief of police--Jurisdiction.**
- 2.34.070 Chief of police--Reassignment.**
- 2.34.080 Chief of police--Monthly and annual reports.**
- 2.34.090 Special policemen.**
- 2.34.095 Part-time police officers**
- 2.34.100 Duties of police--Generally.**
- 2.34.110 Duties of police--Complaints against violators--Preparations for prosecutions.**
- 2.34.120 Duties of police--Cooperation within department.**
- 2.34.130 Powers of police--Arrest and detention.**
- 2.34.140 Powers of police--Service of warrants.**
- 2.34.150 Powers of police--Fees to city clerk.**
- 2.34.160 Powers of police--Search warrants.**
- 2.34.170 Record of arrests.**
- 2.34.180 Absence of members of department--Permission required.**
- 2.34.190 Designation of acting chief.**
- 2.34.200 Refusal to aid police.**
- 2.34.0502.34.060 Chief of police--Custodial functions.**
- Chapter 2.34.010 Department established.**

There is created a police department for the city, which shall consist of a chief of police and such other policemen or patrolmen as may be needed, the amount to be determined from time to time by the city council. The police chief and all members of the department shall be employees of the city. (Prior code § 30-3-1)

2.34.010

Chapter 2.34.020 Administration.

The following official ranks for purposes of salary, job description, and individual job responsibility in the order of the highest to the least, respectively, are created: colonel; major; captain; lieutenant; administrative sergeant; sergeant squad 1; sergeant squad 2; corporal; patrolman Grade 1; patrolman Grade 2, patrolman Grade 3; patrolman Grade 4; patrolman Grade 5; and probationary patrolman. (Ord. 1895 § 1, 2000: Ord. 465 § 1, 1980: prior code § 30-3-2)

2.34.020

Chapter 2.34.025 Residency.

Appointed police officers of the city are required to be residents of the city at the time of their appointment; except that, the city council of the city may grant a newly hired police officer

a period of up to six months (one hundred eighty (180) days), commencing with the date of that officer's appointment, to become a resident and registered voter of the city; and, except further, the city council may thereafter extend the grace period for residency in the city for a period of time not to exceed one additional six month (one hundred eighty (180) day) period for a newly hired police officer to become a resident and registered voter of the city, for good cause shown. In all cases, an appointed city police officer must be resident and registered voter of the city within twelve (12) months (three hundred sixty-five (365) days) from the date of their appointment. (Ord. 1912 § 1, 2001)

2.34.025

Full-time employed (employed 2,080 hours or more per year) Telecommunicators (commonly referred to as "Radio Dispatchers") employed by the City are required to be residents of the City; except that, the City Council of the City may grant a newly hired Telecommunicator a period of up to six (6) months (one hundred eighty [180] days), commencing with the date of the Telecommunicator's employment, to become a resident of the City; and, except further, the City Council may thereafter extend the grace period for the Telecommunicator's residency in the City for a period of time not to exceed one (1) additional six (6) month (one hundred eighty [180] days) period for a newly hired Telecommunicator to become a resident of the City, for good cause shown. In all cases, a Telecommunicator in the full-time employment of the City must be a resident of the City within twelve (12) months (three hundred sixty-five [365] days) after the date of their employment.

(Ord. 2285; 08/02/2004)

(2.34.025 (Ord. 2285), Added, 08/02/2004, Added 2nd paragraph to section; Residency requirement for full-time Telecommunicators.)

Chapter 2.34.030 Employees.

A. Job Description. Until otherwise provided by city ordinance, the job descriptions and individual responsibilities of the city police department officers and employees shall be as are, from time to time, determined by the mayor, with the advice and consent of the duly appointed and acting chief of police of the city.

B. Personnel Code. Employees of the police department shall be selected in accordance with the provisions of the personnel code of the city.

C. Office of Chief of Police. There is created the office of chief of police. The chief of police shall be appointed by the mayor by and with the advice and consent of the city council.

In addition to any powers and duties of the chief of police provided by ordinance, the chief of police shall have such powers and duties which are not assigned by ordinance to some other municipal officer as the mayor shall, from time to time prescribe. (Prior code § 30-3-3)

2.34.030

Chapter 2.34.040 Bond.

Each member of the police department, upon assuming his employment, shall take oath and execute a bond, with surety to be approved by the city council for the faithful performance of his duties. (Prior code § 30-3-4)

2.34.040

Chapter 2.34.050 Chief of police--Jurisdiction.

The chief of police shall have direct supervision of all policemen, patrolmen and watchmen, except as provided in this chapter, and they shall be subject to his direction and control. (Prior code § 30-3-5)

Chapter 2.34.070 Chief of police--Reassignment.

If a member of the police department is appointed to the office of chief of police, prior to being eligible to retire on pension, he shall be considered on furlough from the rank he held immediately prior to his appointment to the office of chief of police, without regard to duration in rank before appointment to the office of chief of police; and should he resign as chief of police, or be discharged prior to attaining eligibility to retire on pension, he shall revert to and be established in such prior rank, and thereafter be entitled to all the benefits and emoluments of such prior rank, without regard to whether a vacancy then exists in such rank. (Prior code § 30-3-7)

2.34.070

Chapter 2.34.080 Chief of police--Monthly and annual reports.

The chief of police shall make to the city council monthly and annually, a report in writing of the doings of his department since the last report. (Prior code § 30-3-8)

2.34.080

Chapter 2.34.090 Special policemen.

The mayor may, when advisable, employ suitable persons as special policemen for the city, who shall take the oath required of other police employees. Such special police shall possess the same power and authority as other employees of the regular police department and shall be employed until their employment is revoked by the mayor. (Prior code § 30-3-9)

2.34.090

Chapter 2.34.095 Part-time police officers

The Mayor, with the advice and consent of the City Council, may appoint part-time police officers in accordance with 65 ILCS 5/3.1-30-21. The appointment and employment of such part-time police officers shall be subject to the following provisions:

(A) Any person employed as a part-time police officer must meet the following standards:

1. Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.

2. Be at least twenty-one (21) years of age.
 3. Pass a medical examination.
 4. Possess a high school diploma or GED certificate.
 5. Possess a valid State of Illinois driver's license.
 6. Possess no prior felony convictions.
 7. Any individual who has served in the U.S. military must have been honorably discharged.
- (B) Part-time police officers shall be interviewed by the Chief of Police, Deputy Chief of Police, and/or the City Administrator;
- (C) Part-time police officers shall be qualified to enter and must successfully complete any training mandated by the Illinois Law Enforcement Training and Standards Board;
- (D) Part-time police officers may be disciplined by the Chief of Police, the City Administrator, the Mayor or the City Council in accordance with the City's Personnel Code;
- (E) Part-time police officers may be discharged by the Mayor, upon the recommendation of the Chief of Police or the City Administrator, with the consent of the City Council;
- (F) Part-time police officers shall be governed by the same rules, regulations, policies and directives as full-time members of the Police Department, except that part-time police officers shall not be subject to any portion of any collective bargaining agreement;
- (G) Part-time police officers shall not be assigned, under any circumstances, to supervise or direct full-time police

officers;

- (H) Part-time police officers shall not be used as permanent replacements for permanent full-time police officers;
- (I) Part-time police officers shall not be required to reside within the city limits of the City of Columbia.
- (J) Any person employed as a part-time police officer shall not work more than 1,000 hours in a calendar year.

BELOW AMENDED BY ORDINANCE NO. 3335 ON 07/03/2017

The Mayor, with the advice and consent of the City Council, may appoint part-time police officers in accordance with 65 ILCS 5/3.1-30-21. The appointment and employment of such part-time police officers shall be subject to the following provisions:

(A) Any person employed as a part-time police officer must meet the following standards:

- 1. Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.**
- 2. Be at least twenty-one (21) years of age.**
- 3. Pass a medical examination.**
- 4. Possess a high school diploma or GED certificate.**
- 5. Possess a valid State of Illinois driver's license.**
- 6. Possess no prior felony convictions.**
- 7. Any individual who has served in the U.S. military must have been honorably discharged.**

(B) Part-time police officer(s) shall be selected from a list of candidates who have completed the same testing process as candidates for a full-time police officer position with the exception of the interview process;

(C) Part-time police officers shall be interviewed by the Chief of Police, Deputy Chief of Police, and/or the City Administrator;

- (D) *Part-time police officers shall be qualified to enter and must successfully complete any training mandated by the Illinois Law Enforcement Training and Standards Board;*
- (E) *Part-time police officers may be disciplined by the Chief of Police, the City Administrator, the Mayor or the City Council in accordance with the City's Personnel Code;*
- (F) *Part-time police officers may be discharged by the Mayor, upon the recommendation of the Chief of Police or the City Administrator, with the consent of the City Council;*
- (G) *Part-time police officers shall be governed by the same rules, regulations, policies and directives as full-time members of the Police Department, except that part-time police officers shall not be subject to any portion of any collective bargaining agreement;*
- (H) *Part-time police officers shall not be assigned, under any circumstances, to supervise or direct full-time police officers;*
- (I) *Part-time police officers shall not be used as permanent replacements for permanent full-time police officers;*
- (J) *Part-time police officers shall not be required to reside within the city limits of the City of Columbia.*
- (K) *Any person employed as a part-time police officer shall not work more than 1,000 hours in a calendar year.*

****AMENDED BY ORDINANCE NO. 2952 PASSED AND APPROVED MAY 21, 2012**

The Mayor, with the advice and consent of the City Council, may appoint part-time police officers in accordance with 65 ILCS 5/3.1-30-21. The appointment and employment of such part-time police officers shall be subject to the following provisions:

- (A) *Part-time police officer(s) shall be selected from a list of candidates who have completed the same testing process as candidates for a full-time police officer position with the exception of the interview process;*
- (B) *Part-time police officers shall be interviewed by the Chief of Police, Deputy Chief of Police, and/or the City Administrator;*
- (C) *Part-time police officers shall be qualified to enter and must successfully complete any training mandated by the Illinois Law Enforcement Training and Standards Board;*

- (D) *Part-time police officers may be disciplined by the Chief of Police, the City Administrator, the Mayor or the City Council in accordance with the City's Personnel Code;*
- (E) *Part-time police officers may be discharged by the Mayor, upon the recommendation of the Chief of Police or the City Administrator, with the consent of the City Council;*
- (F) *Part-time police officers shall be governed by the same rules, regulations, policies and directives as full-time members of the Police Department, except that part-time police officers shall not be subject to any portion of any collective bargaining agreement;*
- (G) *Part-time police officers shall not be assigned, under any circumstances, to supervise or direct full-time police officers;*
- (H) *Part-time police officers shall not be used as permanent replacements for permanent full-time police officers;*
- (I) *Part-time police officers shall not be required to reside within the city limits of the City of Columbia.*

(Ordinance No. 3335, Amended, 07/03/2017, Chapter 2.34.095 amended by Ord. No. 3335.; Ordinance No. 2952, Amended, 06/04/2012, Hiring Standards for Part-Time Police Officers.; Ordinance No. 2858, Added, 03/21/2011, Establishing Hiring Standards for Part-Time Police Officers.)

Chapter 2.34.100 Duties of police--Generally.

The several members of the police force, when on duty, shall devote their entire time and attention to their duties according to the provisions of the code of the city, and the rules and regulations of the police department. They shall, to the best of their ability, preserve order, quiet and peace throughout the city and enforce all the ordinances of the city. (Prior code § 30-3-10)

2.34.100

Chapter 2.34.110 Duties of police--Complaints against violators--Preparations for prosecutions.

When it shall come to the knowledge of any policeman that any city ordinance has been violated, such policeman shall forthwith cause a complaint to be made before a judge and procure the proper witnesses and evidence for the successful prosecution of the offender. (Prior code § 30-3-11)

2.34.110

Chapter 2.34.120 Duties of police--Cooperation within department.

All policemen shall render prompt and efficient aid to each other in the discharge of their duties. (Prior code § 30-3-12)

2.34.120

Chapter 2.34.130 Powers of police--Arrest and detention.

The chief of police and each policeman of the city shall have the power to arrest or cause to be arrested with or without process, all persons who shall be found in the act of committing a breach of the peace, or shall be found violating any provisions of this code, or other ordinance of the city, or any criminal law of the state and may commit such persons so arrested for examination, and if necessary, detain them in custody overnight or Sunday in the city prison or other safe place, until they can be brought before the proper judge. (Prior code § 30-3-13)

2.34.130

Chapter 2.34.140 Powers of police--Service of warrants.

All warrants for the violation of this code and other ordinances, and all criminal warrants to whomsoever directed shall be served and executed within the corporate limits of the city by the chief of police or by any policeman designated by the chief of police. (Prior code § 30-3-14)

2.34.140

Chapter 2.34.150 Powers of police--Fees to city clerk.

All fees collected by any policeman shall be turned over to the city clerk immediately upon collection. (Prior code § 30-3-15)

2.34.150

Chapter 2.34.160 Powers of police--Search warrants.

Whenever the chief of police or any policeman is satisfied that there is reasonable cause for searching any house, building, apartment, room, or place for property that has been stolen, embezzled or fraudulently obtained or for counterfeit or spurious money, or tools, machinery or materials for making the same, or for gaming apparatus, or implements used or kept and provided to be used in unlawful gaming, it shall be the duty of the chief of police or policeman to swear out a search warrant for the search of such premises, as provided by state law. (Prior code § 30-3-16)

2.34.160

Chapter 2.34.170 Record of arrests.

The chief of police shall provide a suitable police record to be kept at the police headquarters in which each policeman making an arrest shall enter the name of the person arrested, where arrested, and on what charge, what property, if any, was taken or found on such person, and how disposed of, and also record his own name as the policeman making the arrest. (Prior code § 30-3-17)

2.34.170

Chapter 2.34.180 Absence of members of department--Permission required.

No member of the police department shall absent himself from the city while on duty without permission from the chief of police or the mayor. (Prior code § 30-3-18)

2.34.180

Chapter 2.34.190 Designation of acting chief.

In case of absence of the chief of police, the mayor shall designate some other member of the police force to assume the duties of the chief of police, who shall be termed acting chief and shall possess all the power and authority of the chief of police. (Prior code § 30-3-19)

2.34.190

Chapter 2.34.200 Refusal to aid police.

Any policeman of the city shall have the power to call upon any person over the age of twenty-one (21) years to aid him in the arrest or in retaking into custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act, and no such person shall neglect or refuse to give such aid or assistance when so requested by any such policeman. (Prior code § 30-3-20)

Chapter 2.34.0502.34.060 Chief of police--Custodial functions.

The chief of police shall be the custodian of all property provided by the city for the use of the police department. He shall also be the custodian of all stolen goods and all other property received and retained under police authority. (Prior code § 30-3-6)

2.34.060

Section 2.36

FIRE DEPARTMENT

Chapters:

- 2.36.010 Establishment--Composition.**
- 2.36.020 Fire marshal.**
- 2.36.030 Supervision by fire committee-- Fire marshal to be in active charge.**
- 2.36.040 Fire marshal to have custody of property and equipment.**
- 2.36.050 Fire marshal to attend fires.**
- 2.36.060 Fire marshal to investigate causes of fires--Record.**
- 2.36.070 Inspection of buildings, premises and streets--Order for correction of certain dangerous conditions.**
- 2.36.080 Right of entry.**
- 2.36.085 Key lock box entry system.**
- 2.36.090 Agreements.**
- 2.36.100 Foreign Fire Insurance Company Fee**

Chapter 2.36.010 Establishment--Composition.

There is created a fire department for the city which shall consist of a fire marshal and other firemen, all of whom are employees of the city, and none of whom are officers of the city. The number of such employees shall be fixed from time to time as the council may provide. (Prior code § 30-5-1)

2.36.010

Chapter 2.36.020 Fire marshal.

The fire marshal of the fire department shall be named by the mayor with the approval of the council. All other employees shall be selected by the volunteer fire department and be subject to the approval by the mayor and city council. (Prior code § 30-5-2)

2.36.020

Chapter 2.36.030 Supervision by fire committee-- Fire marshal to be in active charge.

The fire department shall be under the supervision of the fire committee. The fire department shall be in active charge of a fire marshal. (Prior code § 30-5-3)

2.36.030

Chapter 2.36.040 Fire marshal to have custody of property and equipment.

The fire marshal shall have the custody, subject to the direction of the fire committee, of the engines, autos, trucks, ladders, alarm boxes, fire department buildings and all property and equipment belonging to the fire department. (Prior code § 30-5-4)

2.36.040

Chapter 2.36.050 Fire marshal to attend fires.

It shall be the duty of the fire marshal, if in his power, to attend all fires in the city. (Prior code § 30-5-5)

2.36.050

Chapter 2.36.060 Fire marshal to investigate causes of fires--Record.

The fire marshal shall investigate the causes of all fires which shall occur in the city as soon as possible after they occur and shall keep a record of his investigation and the circumstances of each case. (Prior code § 30-5-6)

2.36.060

Chapter 2.36.070 Inspection of buildings, premises and streets--Order for correction of certain dangerous conditions.

It shall be the duty of the fire marshal to inspect or cause to be inspected by the fire department officers or members as often as may be necessary, all buildings, premises and public streets for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting the fire hazard. In private dwellings, such inspections shall be restricted to basements and cellars.

Whenever any officer or member of the fire department shall find in any building or upon any premises or any other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings or any other highly inflammable materials, especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four (24) hours to the mayor, who shall, within ten days, review such order and file his decision thereon, and unless the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant.

Any owner or occupant failing to comply with such order within ten days after such appeal shall have been determined or if no appeal is taken, then within ten days after the service of such order, shall be liable to a penalty.

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a true copy of such order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address. (Amended during 1997 codification; prior code § 30-5-7)

2.36.070

Chapter 2.36.080 Right of entry.

The fire marshal and other members of the fire department shall have the right to enter upon premises in order to investigate the origin of fires as required in Section 2.36.070, and to make the investigation referred to in Section 2.36.060. (Prior code § 30-5-8)

2.36.080

Chapter 2.36.085 Key lock box entry system.

The following buildings or structures shall be equipped with a rapid entry key lock box system at or near the main entrance or such other location as shall be required by the fire chief:

1. All buildings within the city having an automatic alarm system, or equipped with an automatic fire suppression system, except one and two family dwellings;
2. Commercial and industrial structures identified by the fire chief as difficult to access during emergencies;
3. Multi-family residential structures that have restricted access through locked doors and that have a common corridor for access to rental units;
4. All high-rise buildings, i. e., structures have floors at or above 50 feet above ground level; and,
5. Governmental structures and nursing care facilities.

All newly constructed structures subject to this section shall have the key lock entry box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to this section shall have six (6) months from the effective date of this section to have a key lock box entry system installed and operational.

The fire chief shall designate the type of key lock box entry system to be implemented within the city and shall have the authority to require all buildings and structures subject to this section to use the designated system.

The owner or operator of a building or structure required to have the key lock box entry system shall, at all times, keep a key in the lock box that will allow for access to the building or structure.

The fire chief shall be authorized to implement the rules and regulations for use of the lock box entry system.

Any person who owns or operates a structure or building required to have a key lock box entry system pursuant to this section who violates the same shall be subject to payment of a fine of not less than one hundred dollars (\$100) nor more than seven hundred fifty dollars (\$750). Each day on which a violation occurs or continues shall be a separate offense."

(Ordinance No. 2474, Added, 06/19/2006, Added Key Lock Box Entry System under Fire Department.)

Chapter 2.36.090 Agreements.

The mayor is authorized to make and enter into agreements with corporations or organizations outside of the city limits. Such agreements shall be subject to the terms of this chapter, and shall contain a clause that the city shall in no wise, and under no circumstances be held liable for any loss or damage by reason of its failure to extinguish fires within the territory described in any such agreement. All such agreements shall contain a clause permitting the termination of the agreement upon six months notice. All such agreements so entered into shall be submitted to the city council at its next meeting for approval. (Prior code § 30-5-10)

Chapter 2.36.100 Foreign Fire Insurance Company Fee**(A). Foreign Fire Insurance Company Fee Imposed.**

Every corporation, company, and association which is not incorporated under the laws of the State of Illinois and which is engaged in effecting fire insurance in the City of Columbia, Illinois, (the "City") shall pay to the Columbia City Clerk for the maintenance, use, and benefit of the Columbia Fire Department, a fee in the amount of two per cent (2%) of the gross receipts received from fire insurance upon property situated within the City. All payments under the provisions of this chapter shall be made on or before the fifteenth day of July following the termination of the year for which such payments are due.

Every person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth (15th) day of July of each year, render to the City Clerk a full, true and just account, verified by his oath of all premiums which have been received by him on behalf of the company during the year ending the preceding July first (1st) on such fire insurance policies on property located within the City. Such agent shall at the time of rendering such report, pay to the City Clerk the sum of money for which the company, corporation, or association represented by him is chargeable, by virtue of the provisions of the Illinois Foreign Fire Insurance Fee Act and this Chapter.

If the account is not rendered on or before the fifteenth (15th) of July of each year, or if the sum due remains unpaid after that day, it shall be unlawful for any corporation, company, or association, so in default, to transact any business in the City until the sum due has been fully paid. This provision shall not relieve any corporation, company, or association from the payment of any loss upon any risk that may be taken in violation of this requirement.

(B). Foreign Fire Insurance Fee Board.**1. Establishment.**

There is hereby established the Foreign Fire Insurance Fee Board, to be known as the Foreign Fire Insurance Board (and hereinafter referred to in this Chapter as "the Board" or the "Foreign Fire Insurance Board").

2. Election of Officers.

The Foreign Fire Insurance Board shall consist of five (5) officers who shall be elected from the non-probationary, non-civilian members of the Columbia Fire Department, (including the Firefighters, Captain and Chief of the fire department), as follows:

(a) Temporary Election Committee.

(1) There is hereby established a temporary election committee to consist of three (3) members to be comprised of the Chief of the Columbia Fire Department and two (2) members to be selected by the Chief of the Fire Department and the President of the Fire Company from the non-probationary, non-civilian members of the Columbia Fire Department.

(2) The Temporary Election Committee shall be responsible for organizing, conducting, and supervising the initial election of the officers of the Foreign Fire Insurance Board by the members of the fire department. The committee shall establish election procedures consistent with the requirements of this Chapter and the Foreign Fire Insurance Company Fee

Act of the State of Illinois (65 ILCS 5/11-10-1, et. seq.).

(b) Election procedures.

(1) The Board shall develop a procedure governing the nomination of members to serve on the Foreign Fire Insurance Board. The nominating procedures, after the election of the initial members of the Board, shall be established a minimum of thirty (30) days prior to the expiration of the term of office of the Board member whose office is require to be filled by election.

(2) The Board shall develop procedures for the conduct of the election to elect Board members, same to be established a minimum of thirty (30) days before the expiration of the term of office of the Board member whose office is required to be filled by the election, except for the initial election of the Board members.

(3) Within 30 days of the effective date of the ordinance creating the Board, an election shall be held to elect the five (5) officers of the Board. Three (3) of the officers to be elected shall serve two-year terms of office. Two (2) of the officers to be elected shall serve one-year terms of office. Thereafter elections for officers to the Board shall be conducted in March of each year and each officer of the Board elected shall serve a two-year term of office. Officers shall take office immediately after their election.

(c) Vacancies in office.

(1) Each Board officer shall hold office during his term unless the officer resigns from the Board or the Fire Department, retires from the Fire Department or is discharged, in which case the officer shall be immediately removed from the Board and the position deemed vacant.

(2) Vacancies on the Board during an unexpired term shall be filled by election and such election shall be for the unexpired term.

3. Selection of the Chairman, Vice Chairman, Secretary and Treasurer of the Board.

(a) At the first meeting of the Board and every year thereafter, the officers shall select a Chairman, Vice-Chairman, Secretary and Treasurer of the Board. Each officer may serve in such capacity so long as such officer remains on the Board.

(b) The Treasurer of the Board shall give a sufficient bond to the City, to be approved by the Mayor. This bond shall be conditioned upon the faithful performance by the Treasurer of his duties under the statutes of the State of Illinois, this Chapter and the rules and regulations of the Board.

4. Powers, Duties and Procedures of the Board.

(a) The Board may establish rules and regulations consistent with the provisions of the Illinois Foreign Fire Insurance Fee Act and this Chapter governing the Board and the conduct of the meetings and business of the Board. After the initial election of the Board members, the Board shall provide for the election of its members and the management of its funds. These rules and regulations may be changed and amended from time to time as the

Board shall decide.

(b) The expenditure of funds received by the Board shall be made solely for the maintenance, use and benefit of the Columbia Fire Department.

(c) The Board shall develop and maintain a list of those items the Board determines are appropriate expenditures for the maintenance, use and benefit of the Columbia Fire Department. The Board shall update the listing from time to time, but in no event less than every two (2) years. No expenditures shall be made for items not set forth on the list of appropriate expenditures.

(d) The Treasurer of the Board shall receive the appropriated funds from the City treasurer and shall pay out the money upon the order of the Board for the maintenance, use and benefit of the Columbia Fire Department for appropriate expenditures determined by the list of appropriate expenditures prepared and maintained by the Board.

(e) The funds the Treasurer of the Board receives from the City shall be included in the annual audit of the city and shall be audited to verify that the expenditure of the funds for purchases are for the maintenance, use, and benefit of the Columbia Fire Department.

(f) Any items purchased by the Board shall belong to the City and Title to any items purchased by the Board shall be in the City.

5. Board Meetings.

(a) The Board shall establish a regular time and place for its meetings and all meetings of the Board shall be conducted in compliance with the provisions of the Open Meetings Act.

(b) The Chairman (or in the absence of the Chairman, the Vice-Chairman) shall preside at all Board meetings. If the Chairman and the Vic-Chairman are both unable to attend any meeting, the Treasurer shall preside at the meeting. The Secretary shall keep record of the proceedings of all meetings and the actions of the Board, and the records shall be open to the public on reasonable notice to the Secretary.

(c) Three (3) members of the Board shall constitute a quorum for the purpose of conducting a meeting and a majority of a quorum shall be required for the transaction of the Board's business.

(d) The Chairman or any three (3) members of the Board may call a special meeting at any time. Notice of a special meeting shall be in writing signed by the Chairman or the three (3) members of the Board. Such notice shall set forth the nature or the object of the special meeting.

(e) Any person shall be entitled to appear and be heard on any matter before the Board.

(f) Minutes of all Board meetings shall be filed with the City Clerk.

6. Marine Insurance.

COLUMBIA MUNICIPAL CODE

The provisions of this ordinance shall not be applicable to receipts from contracts of marine insurance, even though they include insurance against fire, where the premium for the fire insurance is not separately specified.”

(Ord. 2669, Amended, 01/21/2010, (B). Foreign Fire Insurance Fee Board - 2. Election of Officers. (a) Temporary Election Committee (2) State Statutes was incorrect, changed to 65 ILCS 5/11-10-1; Ordinance No. 2669, Added, 07/21/2008, Added Chapter 2.36.100 Foreign Fire Insurance Company Fee; Ordinance No. 2669, Added, 07/21/2008, Added Chapter 2.36.100 Foreign Fire Insurance Company Fee.)

Section 2.38

RURAL FIRE PROTECTION DISTRICT

Chapters:

- 2.38.010 Housing of equipment.**
- 2.38.020 Supervision and control of rural district.**
- 2.38.030 Insurance coverage required.**
- 2.38.040 Mutual aid.**
- 2.38.050 Housing agreement and fee.**
- 2.38.060 Additional services--Fees.**
- 2.38.070 Exceptions.**
- 2.38.080 Additional services.**
- 2.38.090 Loss of territory.**

Chapter 2.38.010 Housing of equipment.

The city shall house all firefighting equipment and apparatus now owned or which may hereafter be owned by the Columbia rural fire protection district of Monroe and St. Clair Counties, Illinois, in the same manner as the municipal fire department apparatus and equipment is housed by the city. (Amended during 1997 codification; prior code § 30-6-1)

2.38.010

Chapter 2.38.020 Supervision and control of rural district.

The apparatus and equipment of the Columbia rural fire protection district shall be operated under the control and supervision of the city fire marshal and his authorized assistants, and be operated by the Columbia volunteer fire company, or any successor thereto, in accordance with its by-laws and operating rules, consistent with the ordinances of the Columbia rural fire protection district, and all subject to the ordinances and codes of the city, the rules and regulations of the Illinois Fire Marshal, and the Department of Insurance, and the laws of the state of Illinois. (Prior code § 30-6-2)

2.38.020

Chapter 2.38.030 Insurance coverage required.

Proper and adequate insurance coverage shall be carried upon the fire-fighting apparatus and equipment, upon any jointly owned apparatus and equipment, and upon the employees of the fire department, and on the firemen, including chauffeurs, drivers and their helpers, so far as the interests of the city or of the district may be concerned. (Prior code § 30-6-3)

2.38.030

Chapter 2.38.040 Mutual aid.

In the event of emergency, but subject to the Statutes of the state of Illinois, and the ordinances and codes of the city or the district affecting the same, the city and the district shall mutually aid each other by the interchange of their fire-fighting equipment and apparatus and services, but neither the city nor the district shall be held liable or responsible for any damages incurred in the performance of such services or the exchange of equipment and apparatus, nor in their omission to perform services in connection with such emergency, and either party shall

carry adequate and proper insurance to cover the equipment and apparatus of the other party while used in such interchange and for the purpose of mutual aid. (Prior code § 30-6-4)

2.38.040

Chapter 2.38.050 Housing agreement and fee.

The Rural Fire Protection District shall lease from the City of Columbia the space it now occupies in the City's Public Safety Complex located at 1020 N. Main Street, Columbia, Illinois, and it shall pay to the City Clerk, as and for rental due for the use and occupancy of the City's Public Safety Complex to house the Rural Fire Protection District's equipment and apparatus, not later than the first day of each month, the following sums for the following terms, to wit:

<u>TERM</u>	<u>MONTHLY FEE</u>
June 1, 2003 to April 30, 2004	\$1,100.00
May 1, 2004 to April 30, 2005	\$1,125.00
May 1, 2005 to April 30, 2006	\$1,150.00
May 1, 2006 to April 30, 2007	\$1,175.00
May 1, 2007 to April 30, 2008	\$1,200.00
May 1, 2008 to April 30, 2009	\$1,225.00
May 1, 2009 to April 30, 2010	\$1,250.00
May 1, 2010 to April 30, 2011	\$1,275.00
May 1, 2011 to April 30, 2012	\$1,300.00
May 1, 2012 to April 30, 2013	\$1,325.00

Notwithstanding anything herein to the contrary, the lease may be terminated by either the City or the Fire Protection District by service of a written notice of that party's election to terminate the lease at least one (1) year prior to the lease termination date. If the notice is to be served by the Fire Protection District, it shall be served upon the City Clerk or a Deputy City Clerk at the Columbia City Hall, 208 South Rapp Avenue, Columbia, Illinois, or such other address as the City shall keep the Fire Protection District advised. If the notice is to be served by the City, it shall be served upon the Secretary of the Rural Fire Protection District, at an address which the Fire Protection District shall keep the City advised.

(2.38.050 (Ord. 2177), Amended, 05/19/2003)

Chapter 2.38.060 Additional services--Fees.

The rural fire protection district shall further pay a fee to the city clerk for the following services:

- A. Service charges on rural fire trucks' radio units;
- B. Defraying cost of control room operators;
- C. Heat, water and electricity used in connection with the housing of the district equipment and apparatus, supplied by the city, and incurred in the housing, operation and management of the fire-fighting equipment and apparatus of the rural fire protection district.

The fee to be paid shall be in the amount and for the term from time to time to be set by city ordinance. (Amended during 1997 codification; Ord. 457 § 2, 1980: prior code § 30-6-6)

2.38.060

Chapter 2.38.070 Exceptions.

The charges specified in Sections 2.38.050 and 2.38.060 shall not include any expense for insurance, maintenance, repairs or replacements of any fire-fighting equipment or apparatus now owned, or which may hereafter be owned by the rural fire protection district; and the city shall not be held liable for any damages incurred in the performance of services, nor in its omission to perform such services, intended under this chapter. (Prior code § 30-6-7)
2.38.070

Chapter 2.38.080 Additional services.

Whenever additional services, not provided hereunder, may be necessary or required to carry out the intent and purpose of this agreement, the city and the district shall, by mutual agreement make provision for such services and for the payment therefor. (Prior code § 30-6-8)
2.38.080

Chapter 2.38.090 Loss of territory.

In the event the Columbia rural fire protection district should lose territory by the annexation of the same to the city, the charges specified in Sections 2.38.050 and 2.38.060 shall be reduced in proportion to the area lost thereby on the basis of seventy-five dollars (\$75.00) per square mile on an annual basis. If a square mile of territory shall be so lost there shall be a reduction of twenty-five dollars (\$25.00) in the charge for rent and fifty dollars (\$50.00) in the charge for services, which amounts shall be reduced proportionately in case the area lost is less than a square mile. This adjustment shall commence with the time the district starts to lose tax revenue by reason of such annexation. (Ord. 457 § 3, 1980: prior code § 30-6-9)

Section 2.40**AUXILIARY POLICE****Chapters:**

- 2.40.010 Appointment.**
- 2.40.020 Status within police department.**
- 2.40.030 Powers and duties.**
- 2.40.040 Training course.**
- 2.40.050 Compensation.**

Chapter 2.40.010 Appointment.

The mayor is authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the city council. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C., for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. The appointment of any or all auxiliary policemen may be terminated by the mayor, subject to the advice and consent of the city council. (Prior code § 30-2-1)

2.40.010

Chapter 2.40.020 Status within police department.

Such auxiliary policemen shall not be members of the regular police department of the city. Auxiliary policemen shall be residents of the city. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the regular police department and shall be selected and chosen by the chief of police of the city. Auxiliary policemen shall, at all times, during the performance of their duties, be subject to the direction and control of the chief of police of this city. (Prior code § 30-2-2)

2.40.020

Chapter 2.40.030 Powers and duties.

Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

- A. To aid or direct traffic in this municipality;
- B. To aid in control of natural or man-made disasters;
- C. To aid in case of civil disorder;
- D. To perform normal and regular police duties when assigned by the chief of police on occasions when it is impracticable for members of the regular police department to perform normal and regular police duties. (Prior code § 30-2-3)

2.40.030

Chapter 2.40.040 Training course.

Auxiliary policemen, prior to entering upon any of their duties shall receive a course of training in the use of weapons and other police procedures by the chief of police. (Prior code § 30-2-4)

2.40.040

Chapter 2.40.050 Compensation.

Auxiliary policemen shall receive compensation as may be set from time to time by the salary resolution. (Prior code § 30-2-5)

Section 2.42

HEALTH OFFICER

Chapters:

2.42.010 Creation of office.

2.42.020 Duties.

2.42.030 Analysis.

2.42.040 Inspections.

Chapter 2.42.010 Creation of office.

There is created the office of health officer who shall be appointed by the mayor by and with the advice and consent of the city council. (Prior code § 2-12-1)

2.42.010

Chapter 2.42.020 Duties.

The health officer shall be an enforcing officer of the board of health, and shall see to the enforcement of all rules of the board and shall see to the enforcement of quarantine. He shall give to the council information and advice concerning the health of the city and shall perform such other duties as may be assigned to him by the city council. (Prior code § 2-12-2)

2.42.020

Chapter 2.42.030 Analysis.

It shall be the duty of the health officer to make or cause to be made analysis of any food or drink alleged to be tainted or unwholesome and to analyze the drinking water of the city whenever requested to do so by the city council. (Prior code § 2-12-3)

2.42.030

Chapter 2.42.040 Inspections.

The health officer shall assist in the enforcement of all ordinances relating to the sale or storage of food and drink intended for human consumption, and shall make or cause to be made such tests and analyses and inspections as may be necessary for this purpose. (Prior code § 2-12-4)

Section 2.44

BOARD OF HEALTH

Chapters:

- 2.44.010 Creation.**
- 2.44.020 General duties.**
- 2.44.030 Quarantine--Vaccination.**
- 2.44.040 Orders--Notices.**

Chapter 2.44.010 Creation.

There is created the board of health for the city which shall consist of the mayor, who shall be chairman thereof, all the members of the city council, the city clerk, who shall be secretary of such board, and such other members as the mayor and council shall, from time to time provide for and appoint. (Prior code § 3-1-1)

2.44.010

Chapter 2.44.020 General duties.

The board of health shall have the powers and perform the duties assigned to it by statute or ordinance. It shall be the duty of the board of health to enforce all ordinances of the city which relate to public health, or relate to nuisance.

The board of health shall make all necessary rules and regulations for the protection of the health of the inhabitants of the city and to guard against the spread of contagious diseases, and to prevent by necessary rules the diseases, contagious or otherwise within the corporate limits of the city. (Prior code § 3-1-2)

2.44.020

Chapter 2.44.030 Quarantine--Vaccination.

The board of health is authorized to make such reasonable rules as may be necessary regarding quarantine and vaccination, for the prevention and spread of contagious diseases, and to quarantine premises where such diseases occur for such time as may be necessary to protect public health.

The board shall have the power to prevent persons from entering or leaving premises on which a case of contagious or epidemic disease occurs or is found, and to placard the same with signs indicating the nature of such disease and the existence of the quarantine. (Prior code § 3-1-3)

2.44.030

Chapter 2.44.040 Orders--Notices.

Any person violating any order of the board of health or refusing to obey any such order or destroying, mutilating or concealing any notice posted by or under the authority of the board of health shall be fined not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00) for each offense. (Prior code § 3-1-4)

Section 2.46

BOARD OF FIRE AND POLICE COMMISSIONERS

Chapters:

- 2.46.010 Applicability of provisions.**
- 2.46.020 Established.**
- 2.46.030 Exception.**
- 2.46.040 Appointment of members.**
- 2.46.050 Membership generally.**
- 2.46.060 Secretary--Duties.**
- 2.46.070 Compensation.**
- 2.46.080 City council responsibilities toward board.**
- 2.46.090 Chief of police and assistant chief.**
- 2.46.100 Appointment and removal of firemen.**
- 2.46.110 Rules and regulations-- Promulgation authority.**
- 2.46.120 City attorney' s authority.**
- 2.46.130 State provisions adopted by references.**

Chapter 2.46.010 Applicability of provisions.

This chapter shall apply only to full-time policemen of the city and not to any other personnel of any kind or description. (Ord. 866 § 11, 1990)

2.46.010

Chapter 2.46.020 Established.

Pursuant to the provisions of and as required by Division 2.1 of Article 10 of the Illinois Municipal Code for municipalities of at least five thousand (5,000) and not more than two hundred fifty thousand (250,000) population, effective when the Federal census of 1990 establishes the population of the city, to be five thousand (5,000) or more, a board of fire and police commissioners, consisting of three members, is established for the city. (Ord. 866 § 1, 1990)

2.46.020

Chapter 2.46.030 Exception.

So long as fire protection for the city is provided by other than the city and unless and until the city establishes a full time fire department, this chapter shall not apply to the appointment of firemen. (Ord. 866 § 2, 1990)

2.46.030

Chapter 2.46.040 Appointment of members.

Within thirty (30) days after the ordinance codified in this chapter becomes effective, the mayor, with the advice and consent of the city council, shall appoint the first members of the board. One of the members shall be appointed to serve until the end of the then current municipal year, another to serve to the end of the municipal year next ensuing, and the third to serve until the end of the municipal year second next ensuing. However, every member shall serve until his successor is appointed and has qualified.

Vacancies on the board shall be filled in the same manner as the original appointments.

The board members shall select a chairman to serve during the municipal fiscal year.

A majority of the board constitutes a quorum for the conduct of all board business. (Ord. 866 § 3, 1990)
2.46.040

Chapter 2.46.050 Membership generally.

Members of the board shall be considered officers of the city, and shall file an oath and a fidelity bond in such amount as may be required by the governing body of the city.

No person holding another city office shall be a member of the board or the secretary thereof. The acceptance of any such office by a member of the board shall be treated as a resignation of his office as a member of the board and/or the secretary of the board. No person shall be appointed a member of the board who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the city. No more than two members of the board shall belong to the same political party as determined by state or national political party affiliations. Party affiliations shall be determined by affidavit of the person appointed as a member of the board.

Board members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within thirty (30) days in his or her own defense, before a regular meeting of the city council. The majority vote of the mayor and elected members of the city council shall be required to remove any board member from office. (Ord. 866 § 4, 1990)
2.46.050

Chapter 2.46.060 Secretary--Duties.

The board may employ a secretary, or may designate one of its own members to act as secretary. The secretary shall: (1) keep the minutes of the board's proceedings; (2) be the custodian of all records pertaining to the business of the board; (3) keep a record of all examinations held; (4) perform all other duties the board prescribes; and (5) be custodian of the seal of the board, if one is adopted, and the board is authorized to adopt an official seal and to prescribe the form thereof by resolution of the board. (Ord. 866 § 5, 1990)
2.46.060

Chapter 2.46.070 Compensation.

A. The secretary may be paid a reasonable compensation for his or her services, to be fixed by the mayor and the city council. Board members, other than a board member who also serves as secretary of the board, shall be reimbursed for reasonable expenses incurred in the discharge of their duties.

B. All board members, in addition to reimbursement for reasonable expenses incurred in the discharge of their duties, shall be paid twenty-six dollars (\$26.00) per monthly meeting attended, however, the maximum compensation to be paid per month will be twenty-six dollars (\$26.00). (Ord. 1588 § 1, 1997; Ord. 866 § 6, 1990)
2.46.070

Chapter 2.46.080 City council responsibilities toward board.

The city council shall provide a suitable room at the City Hall for the board of fire and

police commissioner meetings, and shall allow reasonable use of the City Hall auditorium for holding examinations by the board and shall provide adequate funds in the annual appropriation ordinance for the operation of the board. (Ord. 866 § 7, 1990)

2.46.080

Chapter 2.46.090 Chief of police and assistant chief.

The chief of police shall be appointed by the mayor with the advice and consent of the city council and may be removed or discharged by the mayor and the city council in accordance with the provisions of Chapter 2.22 and in accordance with Section 10-2.1-4 of the Act. The assistant chief of police shall be appointed by the mayor with the advice and consent of the city council and may be removed or discharged by the mayor and city council as provided in Chapter 2.24. All other full- time police officers shall be appointed, promoted, removed or discharged in the manner provided in Division 2.1 of Article 10 of the Illinois Municipal Code. (Ord. 866 § 8 (part), 1990)

2.46.090

Chapter 2.46.100 Appointment and removal of firemen.

If the city becomes disconnected from the Columbia rural urban fire protection district and provides by ordinance for the creation and operation of a fire department by full-time firemen employed by the city, such firemen, except the chief of the fire department, who shall be appointed by the mayor with the advice and consent of the city council, shall be appointed, promoted, removed or discharged in the same manner as policemen. (Ord. 866 § 8 (part), 1990)

2.46.100

Chapter 2.46.110 Rules and regulations-- Promulgation authority.

The board of fire and police commissioners shall adopt and publish rules and regulations for the conduct of examinations for original appointments, for promotions, and to conduct the hearings on charges brought against a member of the police department. No such rules shall be made by the board to govern the operation of the police department or the conduct of its members. The board may, from time to time, revise its rules and regulations in the same manner as for the adoption of the original rules and regulations of the board. (Ord. 866 § 9, 1990)

2.46.110

Chapter 2.46.120 City attorney' s authority.

The city attorney shall represent the board and shall handle prosecutions before the board. (Ord. 866 § 10, 1990)

2.46.120

Chapter 2.46.130 State provisions adopted by references.

Division 2.1 of Article 10 of the Illinois Municipal Code, as amended, (Ill. Rev. Stat., Ch. 24, Sec. 10-2.1-1, et. seq.), is incorporated in and made part of this chapter the same as if recited herein verbatim. In case of any conflict between the provisions of this chapter and said Act, said Act shall control. If, and as, the Act is amended, from time to time, the provisions of this chapter in conflict with the Act as a result of the amendment, shall be construed as having

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been amended by the amendment to the Act and shall be read, construed and applied in accordance with the provisions of said amended Act. (Ord. 866 § 12, 1990)

Section 2.48

BOARD OF LIBRARY DIRECTORS

Chapters:

- 2.48.010 Establishment.**
- 2.48.020 Term.**
- 2.48.030 Special tax.**
- 2.48.040 Organization.**
- 2.48.050 Duties and functions.**
- 2.48.060 Rules and regulations.**

Chapter 2.48.010 Establishment.

There shall be a board of library directors for the city as provided by statute. The board shall consist of nine directors, who shall be residents of the city, to be appointed by the mayor, by and with the advice and consent of the council, and not more than one director shall be a member of the city council. (Prior code § 3-2-1)

Chapter 2.48.020 Term.

The term of the library directors shall be three years, and until their successors are appointed; terms to be staggered so that three terms expire each year, as provided by statute. (Prior code § 3-2-2)

Chapter 2.48.030 Special tax.

The special library tax shall be levied and collected each year as is provided by statute. (Prior code § 3-2-3)

Chapter 2.48.040 Organization.

The library directors shall select a president and secretary as provided by statute, and such other officers as they deem necessary, and shall meet at such times as the library board may determine, but shall post notice of such official meetings as required by statute. (Prior code § 3-2-4)

Chapter 2.48.050 Duties and functions.

The library board shall have charge of the operation of the city library, and of the expenditure of all library funds. Each year, it shall file a report with the city council, containing, among other things, an itemized statement of the expenses anticipated for the coming year, as required by statute. (Prior code § 3-2-5)

Chapter 2.48.060 Rules and regulations.

The board of library directors shall have the power to make any reasonable rules and regulations governing the use of the library and library facilities, and to exclude from the use of the library any person(s) who wilfully violate the rules and regulations prescribed by the board.

(Prior code § 3-2-6)

Section 2.49

COLUMBIA CIVIC PROGRESS COMMITTEE

Chapters:

- 2.49.010 Committee name.**
- 2.49.020 Purpose and functions.**
- 2.49.030 Membership.**
- 2.49.040 Officers.**
- 2.49.050 Meetings.**
- 2.49.060 Committees.**
- 2.49.070 Fiscal year.**
- Chapter 2.49.010 Committee name.**

The name of this committee shall be the "Columbia Civic Progress Committee".
(Ord. 244y6, Added, 02/20/2006, Added 2.49.010 Committee name.)

Chapter 2.49.020 Purpose and functions.

The Columbia Civic Progress Committee shall:

(A) Promote, encourage, and guide the orderly development and use of the Columbia Main Street Corridor in harmony with the Master Plan of the City and appropriate Commissions and Boards.

(B) Serve in an advisory capacity to the Columbia City Council on matters concerning Main Street and business development throughout the City.

(C) Provide administration through the Economic Development Department for Civic Progress and Main Street programs.

(D) Find and secure revenue, services, and real or personal property for uses related to the goals and purposes of the committee, from individuals, organizations, municipal corporations and any other source permitted by law. All funds, services and real and personal property received by the committee shall be received in the name of the City, and such funds shall be forthwith delivered to the City Treasurer for deposit in one (1) or more appropriately designated accounts to be used for the purposes required by the donor or the committee.

(E) Submit an annual budget request through the Economic Development Department.

(F) Provide an annual report of the activities and revenues of the committee to the City Council not later than June 30 of each calendar year and render such additional reports as the City Council may request.

(Ord. 2446, Added, 02/20/2006, Added 2.49.020 Purpose and functions.)

Chapter 2.49.030 Membership.

(A) The Civic Progress Committee shall consist of thirteen (13) members, who shall be appointed by the Mayor with the advice and consent of the City Council. *(Increased membership from nine (9) to thirteen (13) members per Ordinance No. 2888 (09/06/2011)*

The terms for the new members shall be staggered as follows: *(Terms for new members per Ordinance No. 2888 (09/06/2011)*

- (1) Two (2) members to serve for a one-year term;
- (2) One (1) member to serve for a two-year term;
- (3) One (1) member to serve for a three-year term;

Each term to be determined by lot at the first meeting where these new members are seated.

(B) All members appointed shall be residents of the City or shall be owners of real estate or owners or executive or managerial employees of owners of businesses located within the corporate City limits.

(C) The terms of office for each of the members of the Civic Progress Committee shall be three (3) years, except for the initial committee members who shall be appointed to serve staggered terms, as determined by lot drawn at the first meeting of the committee, as follows:

- (1) Three (3) members to serve until April 30, 2007.
- (2) Three (3) members to serve until April 30, 2008.
- (3) Three (3) members to serve until April 30, 2009.

(D) Notwithstanding anything in the preceding Subparagraph "C" of the Articles, initial and regular members of the Civic Progress Committee shall, in each instance, serve until their successor is appointed and has qualified. Any member may be reappointed at any time. Vacancies shall be filled by appointment for the remainder of the unexpired term of the vacated committee office. Any member may be removed by the Mayor for cause, with the approval of the City Council. All members shall serve without compensation.

(Ordinance No. 2888, Amended, 09/06/2011, Added terms for increased membership.; Ordinance No. 2888, Amended, 09/06/2011, Expanded membership from 9 to 13 members, changed 2.49.030 Membership.; Ord. 2446, Added, 02/20/2006, Added 2.49.030 Membership)

Chapter 2.49.040 Officers.

The Civic Progress Committee members shall select a Chairman, Vice-Chairman, Secretary and such other officers as they may deem advisable from amongst their members, to serve annually for one (1) year terms. The initial election of officers shall be held at the first meeting of the committee, with subsequent elections to be held on the first regular meeting in May of each year. (Ord. 2446, Added, 02/20/2006, Added 2.49.040 Officers.)

Chapter 2.49.050 Meetings.

Regular meetings of the Civic Progress Committee shall be held at regularly scheduled times and special meetings of the committee may be held at the call of the Chairman. Five (5) members of the committee shall constitute a quorum for the conduct of all meetings of the committee and the favorable vote of a majority of a quorum of the members present for a meeting shall be required for the conduct of all business of the committee. If a member is absent without cause for three (3) consecutive regular meetings, his membership shall be subject to forfeiture for cause by the Chairman, with the concurrence of a majority of members of the committee then holding office. In that event, the Chairman shall request that the Mayor appoint a replacement member to serve out the unexpired term of the member whose office was forfeited. The committee shall adopt rules for the conduct of its meetings and its business. A copy of said committee rules shall be on file with the Secretary of the committee and available for inspection and copying by members of the committee at all times. The committee rules shall also be filed with the City Clerk and available for public inspection upon request during the normal business hours of the office of the City Clerk.

(Ord. 2446, Added, 02/20/2006, Added 2.49.050 Meetings.)

Chapter 2.49.060 Committees.

(A) Executive Committee. There shall be an Executive Committee of the Columbia Civic Progress Committee the membership of which shall be comprised of the elected officers of the committee. The Executive Committee shall be a working committee and shall meet as necessary to manage the business, accomplish and effectuate the goals and purposes of the Columbia Civic Progress Committee, and for such other matters as may be designated by the Civic Progress Committee from time to time.

(B) Other Committees. The Columbia Civic Progress Committee may appoint such other committees to be comprised of members from the Columbia Civic Progress Committee as it may deem necessary or appropriate to accomplish and effectuate its goals and purposes. Any appointed committee shall be responsible to and report to the executive committee which shall, in turn report to the Civic Progress Committee.

(Ord. 2446, Added, 02/20/2006, Added 2.49.060 Committees.)

Chapter 2.49.070 Fiscal year.

The fiscal year of the Columbia Civic Progress Committee shall commence on the first day of May of each year and shall end on April 30 of the following year.

(Ord. 2446, Added, 02/20/2006, Added 2.49.070 Fiscal year.)

Section 2.50

BUILDING OFFICIAL

Chapters:

- 2.50.010** **Appointment.**
- 2.50.020** **Duties.**
- 2.50.030** **Stop order.**
- 2.50.040** **Entry powers.**
- 2.50.050** **Violation--Penalty.**
- Chapter 2.50.010** **Appointment.**

There is created the position of Building Official who shall be appointed by the Mayor by and with the advice and consent of the City Council.

AMENDED BY ORDINANCE NO. 3262 ON 05/16/2016. (PRIOR CODE) There is created the position of building inspector who shall be appointed by the mayor by and with the advice and consent of the city council. (Prior code § 2-9-1)

(Ordinance No. 3262, Amended, 05/16/2016, Building Inspector changed to Building Official.)

Chapter 2.50.020 Duties.

It shall be the duty of the Building Official to see to the enforcement of all ordinance provisions relating to buildings or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the ordinances of the City.

AMENDED BY ORDINANCE NO. 3262 ON 05/16/2016 - PRIOR CODE
It shall be the duty of the building inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the ordinances of the city. (Prior code § 2-9-2)

(Ordinance No. 3262, Amended, 05/16/2016, Building Inspector changed to Building Official.)

Chapter 2.50.030 Stop order.

The Building Official shall have the power to order all work stopped on construction or alteration or repair of buildings or structures in the City when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of any zoning ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the Building Official or the City Administrator; provided, that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any policeman.

AMENDED BY ORDINANCE NO 3262 ON 05/16/2016 (PRIOR CODE)
The building inspector shall have the power to order all work stopped on construction or alteration or repair of buildings or structures in the city when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of any zoning ordinance. Work shall not be resumed after the issuance of such an order, except on the written permission of the inspector or the mayor; provided, that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any policeman. (Prior code § 2-9-5)

(Ordinance No. 3262, Amended, 05/16/2016, Building Inspector changed to Building Official.)

Chapter 2.50.040 Entry powers.

The Building Official shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing is going on, for the purpose of making inspection, at any reasonable hour.

AMENDED BY ORDINANCE NO. 3262 ON 05/16/201 (PRIOR CODE)
The building inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing is going on, for the purpose of making inspection, at any reasonable hour. (Prior code § 2-9-6)

(Ordinance No. 3262, Amended, 05/16/2016, Buildling Inspector changed to Building Official.)

Chapter 2.50.050 Violation--Penalty.

Any person, firm or corporation who shall continue to work in violation of a stop order of the Building Official shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each day on which any work in violation of such stop order is done.

AMENDED BY ORDINANCE Any person, firm or corporation who shall continue to work in violation of a stop order of the building inspector shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each day on which any work in violation of such stop order is done.

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(Ordinance No. 3262, Amended, 05/16/2016, Building Inspector changed to Building Official.; Ordinance No. 3180, Amended, 04/20/2015, Amended fines.)

Section 2.52

PLUMBING INSPECTOR

Chapters:

2.52.010 Creation of position.

2.52.020 Duties.

2.52.030 Stop order.

2.52.040 Entry powers.

2.52.050 Violation--Penalty.

Chapter 2.52.010 Creation of position.

There is created the position of plumbing inspector, an executive office of the city. The plumbing inspector shall be appointed by the mayor, by and with the advice and consent of the city council. (Prior code § 2-10-1)

Chapter 2.52.020 Duties.

It shall be the duty of the plumbing inspector and he is empowered to enforce all city ordinances relating to the installation, care and standards of plumbing. He shall make all necessary inspections and tests which may be needed in the performance of his duties. (Prior code § 2-10-2)

Chapter 2.52.030 Stop order.

Whenever the plumbing inspector shall find plumbing work being done in violation of the city ordinances, he shall have the power to order the work stopped until the ordinances are complied with. It is unlawful to continue any such work after a stop order has been issued, except upon written order of the mayor or of the plumbing inspector; provided that when such a stop order is an oral order, it shall be followed by a written stop order within an hour. (Prior code § 2-10-3)

Chapter 2.52.040 Entry powers.

The plumbing inspector shall have the power to enter any building or premises on or in which plumbing fixtures or pipes are being installed, altered or repaired, at all reasonable hours, to make inspections to insure compliance with the ordinances of the city relative thereto. (Prior code § 2-10-4)

2.52.010 Creation of position.

Chapter 2.52.050 Violation--Penalty.

Any person, firm or corporation who shall continue work in violation of a stop order shall be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed to have been committed on each day during or on which a violation of a stop order occurs or continues.

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(Ordinance No. 310, Amended, 04/20/2015, Amended fines.)

Section 2.54

BIDDING AND CONTRACT PROCEDURES

Chapters:

2.54.010	Competitive bidding required.
2.54.020	Formal contract procedure.
2.54.030	Notice inviting bids.
2.54.040	Scope of notice.
2.54.050	Bid deposits.
2.54.060	Bid opening procedure.
2.54.070	Rejection of bids.
2.54.080	Bidders in default to city.
2.54.090	Award of contract.
2.54.100	Open market procedure.
2.54.110	Professional services exempt from bidding requirements.
2.54.120	Emergency purchases.
2.54.130	Cooperative purchasing.
2.54.140	Statute law.

ation--Penalty.

Chapter 2.54.010 Competitive bidding required.

Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation and does not involve a contract with the federal government or any agency thereof, and all purchases of and contracts for supplies, materials and services not involved in public works projects shall, except as specifically provided herein, be based whenever possible on competitive bids. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(A))

Chapter 2.54.020 Formal contract procedure.

All work and other public improvements which is: (i) not to be paid for in full or in part by special assessment or special taxation; (ii) does not involve a contract with the federal government or an agency thereof; (iii) does not involve architectural, engineering and land surveying services; (iv) does not involve the city completing the construction of such work by employing its own labor and for which the city will employ competitive bidding for the purchase of materials of a value of Twenty Five Thousand Dollars (\$25,000) or more; and, (v) the cost or expense of which is in excess of Twenty Five Thousand Dollars (\$25,000), shall be purchased from the lowest responsible bidder, after due notice inviting bids in accordance with the requirements of this section, unless competitive bidding is waived

or dispensed with by a vote of two-thirds (2/3s) of the aldermen holding office on the City Council. (65 ILCS 5/8-9-1).

BELOW AMENDED BY ORDINANCE NO. 3375 ON 03/19/2018

All work and other public improvements which is (1) not to be paid for in full or in part by special assessment or special taxation; (ii) does not involve a contract with the federal government or an agency thereof; (iii) does not involve architectural, engineering and land surveying services; (iv) does not involve the city completing the construction of such work by employing its own labor and for which the city will employ competitive bidding for the purchase of materials of a value of Twenty Thousand Dollars (\$20,000) or more; and (v) the cost or expense of which is in excess of Twenty Thousand Dollars (\$20,000), shall be purchased from the lowest responsible bidder, after due notice inviting bids in accordance with the requirements of this section, unless competitive bidding is waived or dispensed with by a vote of two-thirds (2/3s) of the aldermen holding office on the City Council. (65 ILCS 5/8-9-1)

AMENDED BY ORD. 3163 ON 02/02/2015 (See above new wording.)

All work and other public improvement which is: (i) not to be paid for in full or in part by special assessment or special taxation; (ii) does not involve a contract with the federal government or an agency thereof; (iii) does not involve architectural, engineering and land surveying services; (iv) does not involve the city completing the construction of such work by employing its own labor and for which the city will employ competitive bidding for the purchase of materials of a value of Ten Thousand Dollars (\$10,000) or more; and, (v) the cost or expense of which is in excess of Ten Thousand Dollars (\$10,000), shall be purchased from the lowest responsible bidder, after due notice inviting bids in accordance with the requirements of this section, unless competitive bidding is waived or dispensed with by a vote of two-thirds (2/3s) of the aldermen holding office on the city's city council. (65 ILCS 5/8-9-1).

(Ord. No. 3375, Amended, 03/19/2018, Amended Ch. 2.54.020 Formal Contract Procedure.; Ordinance No. 3163, Amended, 02/02/2015, Amended Ch. 2.54.020 Formal Contract Procedure.; Ordinance No. 2562, Amended, 05/21/2007, Changed Chapter 2.54.020.)

Chapter 2.54.030 Notice inviting bids.

Where competitive bidding is required, notice inviting bids shall be published at least

once in a newspaper with general circulation within the city. The city shall also advertise all pending work or purchases required to be placed by public bidding by posting a notice thereof on the public bulletin board in the City Hall. Such other and further, or different, notices inviting bids shall be published as the city council shall decide, including but not limited to trade journal publications. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(C))

2.54.010 Competitive bidding required.

Chapter 2.54.040 Scope of notice.

The newspaper notice required in Section 2.54.030 shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(D))

2.54.040 Scope of notice.

Chapter 2.54.050 Bid deposits.

When deemed necessary by the city council, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposit upon the award of the contract by the city council. A successful bidder shall forfeit any bid deposit required by the city council upon failure of the successful bidder to enter into a contract with the city within ten days after the award, owing to the fault or neglect of the successful bidder. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(E))

Chapter 2.54.060 Bid opening procedure.

A. Sealed. Bids shall be submitted sealed to the city clerk and shall be identified as bids (referring to the work or purchase involved for which the bids were invited) on the envelope.

B. Opening. Bids shall be opened in public at the time and place stated in the public notice.

C. Tabulation. A tabulation of all bids received shall be made by the city clerk or by such other officer or agent of the city as the city council shall designate, and a tabulation of the bids shall be furnished to the members of the city council at its next regular meeting after the bid opening in the event the bids are not opened at a regular meeting of the city council. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(F))

Chapter 2.54.070 Rejection of bids.

The city shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(G))

Chapter 2.54.080 Bidders in default to city.

The city shall have the right to reject the bid of any contractors who is in default on the payment of taxes, licenses or other moneys due the city. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(H))

Chapter 2.54.090 Award of contract.

A. Authority in City. The city council shall have the authority to award contracts within the purview of this chapter.

B. Lowest Responsible Bidder. Where competitive bidding is required for a city contract, the contract shall be awarded to the lowest responsible bidder on the basis of the bid that is, in the opinion of the city council, in the best interest of the city to accept. In awarding the contract, in addition to price, the city council shall consider:

1. The ability, capacity and skill of the bidder to perform the contract to provide the service required;

2. Whether the bidder can perform the contract or provide the services promptly or within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

4. The quality of the performance of previous contracts or services;

5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

7. The quality, availability and adaptability of the supplies or contractual services to the particular use required;

8. The ability of the bidder to provide future maintenance and service for the subject of the contract;

9. The number and scope of conditions attached to the bid.

C. Performance Bonds. The city council shall have the authority to require a performance bond, before entering into a contract, in such amounts as the city council shall find reasonably necessary to protect the best interests of the city. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(I))

Chapter 2.54.100 Open market procedure.

All work and purchases of supplies, materials and services of a cost or expense of Twenty-Five Thousand Dollars (\$25,000) or less, may be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the awarding of formal contracts requiring competitive bids, as follows:

(1) If the cost or purchase involved does not exceed Two Thousand Five Hundred Dollars (\$2,500), the same may be incurred for the City by any City Department Head, or their designee, without prior approval of the City Council or the City Administrator.

(2) If the cost or purchase involved exceeds Two Thousand Five Hundred Dollars (\$2,500) but does not exceed Twenty-Five Thousand Dollars (\$25,000), the same may be incurred for the City

by any Department Head, or their designee, only with the prior approval of the City Administrator.

(3) If the cost or purchase involved exceeds Twenty-Five Thousand Dollars (\$25,000), the same may only be incurred for the City by the prior approval of the City Council, by enactment of an appropriate City Council Order, Resolution or Ordinance.

(4) Prior to the beginning of each fiscal year of the City, all City Department Heads shall submit to the City Administrator for the City Administrator's prior approval, the name and job title of the Department Head's designee(s) to be authorized to incur costs or make purchases for the City for the forthcoming fiscal year of the City. Likewise, during any fiscal year of the City should a City Department Head desire to change or add to the designee(s) in their department that will be authorized to incur cost or make purchases for the City, the Department Head will be required to obtain prior approval for the same from the City Administrator.

BELOW AMENDED BY ORDINANCE NO. 3375 ON 03/19/2018

All work and purchases of supplies, materials and services of a cost or expense of Twenty Thousand Dollars (\$20,000.00) or less, may be made in the open market without newspaper advertisement and without observing the procedure prescribed by this section for the awarding of formal contracts requiring competitive bids, as follows:

(1) If the cost or purchase involved does not exceed One Thousand Dollars (\$1,000.00), the same may be incurred for the City by any City Department Head, or their designee, without prior approval of the City Council or the City Administrator.

(2) If the cost or purchase involved exceeds One Thousand Dollars (\$1,000.00) but does not exceed Ten Thousand Dollars (\$10,000.00), the same may be incurred for the City

by any Department Head or their designee, only with the prior approval of the City Administrator.

(3) If the cost or purchase involved exceeds Ten Thousand Dollars (\$10,000.00) the same may only be incurred for the City by the prior approval of the City Council, by enactment of an appropriate City Council Order, Resolution or Ordinance.

(4) Prior to the beginning of each fiscal year of the City, all City Department Heads shall submit to the City Administrator for the City Administrator's prior approval, the name and job title of the Department Head's designee(s) to be authorized to incur costs or make purchases for the City for the forthcoming fiscal year of the City. Likewise, during any fiscal year of the City should a City Department Head desire to change or add to the designee(s) in their department that will be authorized to incur cost or make purchases for the City, the Department Head will be required to obtain prior approval for the same from the City Administrator.

AMENDED BY ORDINANCE 3163 - 02/02/2015 (SEE NEW WORDING ABOVE)

All work and purchases of supplies, materials and services of a cost or expense of Ten Thousand Dollars (\$10,000.00) or less, may be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the awarding of formal contracts requiring competitive bids, as follows:

(1) If the cost or purchase involved does not exceed One Thousand Dollars (\$1,000.00), the same may be incurred for the City by any City Department Head, or their designee, without prior approval of the City's City Council or the City's Administrator.

(2) If the cost or purchase involved exceeds One Thousand Dollars (\$1,000.00) but does not exceed Ten

Thousand Dollars (\$10,000.00), the same may be incurred for the City by any Department Head, or their designee, only with the prior approval of the City Administrator.

(3) If the cost or purchase involved exceeds Ten Thousand Dollars (\$10,000.00) the same may only be incurred for the City by the prior approval of the City's City Council, by enactment of an appropriate City Council Order, Resolution or Ordinance.

(4) Prior to the beginning of each fiscal year of the City, all City Department Heads shall submit to the City Administrator for the City Administrator's prior approval, the name and job title of the Department Head's designee(s) to be authorized to incur costs or make purchases for the City for the forthcoming fiscal year of the City. Likewise, during any fiscal year of the City should a City Department Head desire to change or add to the designee(s) in their department that will be authorized to incur cost or make purchases for the City, the Department Head will be required to obtain prior approval for the same from the City Administrator.

(Ord. 977 § 1 (part), 1992: prior code § 2-4-8(J))

(Ord. No. 3375, Amended, 03/19/2018, Amended Ch. 2.54.100 Open Market Procedure.; Ordinance No. 3163, Amended, 02/02/2015, Chapter 2.54.100 Open Market Procedure; OrdinanceNo. 2562, Amended, 05/21/2007, Changed Chapter 2.54.100.)

Chapter 2.54.110 Professional services exempt from bidding requirements.

All contracts for professional services, including but not limited to, attorneys, engineers, real estate appraisers, and architects and any other profession whose ethical code prohibits or discourages involvement in bidding procedures, may be entered into by the city without observing the bidding procedures prescribed by this section for the award of formal contracts. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(K))

Chapter 2.54.120 Emergency purchases.

In case of an apparent emergency which requires immediate work of purchase of supplies, materials or services, the City Council or City Administrator shall be empowered to secure by open market procedure, at the lowest practicable price obtainable, any work, supplies, materials or services regardless of the amount of the expenditure.

AMENDED BY ORDINANCE 3163 - 02/02/2015 - SEE NEW WORDING ABOVE

In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the city council shall be empowered to secure by open market procedure, at the lowest practicable price obtainable, any work, supplies, materials or services regardless of the amount of the expenditure. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(L))

(Ordinance No. 3163, Amended, 02/02/2015, Chapter 2.54.120 Emergency Purchases)

Chapter 2.54.130 Cooperative purchasing.

The city shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby in the opinion of the city council. (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(M))

Chapter 2.54.140 Statute law.

The terms and provisions contained in this ordinance are enacted pursuant to authority granted by Sections 8-9-1 and 8-9-2 of the Illinois Municipal Code (Ill. Rev. Stat., Ch. 24, Paras. 8-9-1 and 8-9-2). (Ord. 977 § 1 (part), 1992: prior code § 2-4-8(N))

Section 2.56

FEES AND CHARGES FOR CITY SERVICES AND BUSINESS LICENSES

Chapters:

2.56.010 Fees and charges.

Chapter 2.56.010 Fees and charges.

All fees and charges to be paid to the city shall be in the amount and for the term from time to time to be set by city ordinance. (Added during 1997 codification)

Section 2.58

PUBLIC RECORDS

Chapters:

2.58.010 Definitions.

2.58.020 Available for public inspection.

2.58.030 Copies of public records.

2.58.040 Removal of records prohibited.

Chapter 2.58.010 Definitions.

Except where the context indicates otherwise, the terms used in this chapter are defined as follows:

"Agency" means all parts, boards, departments, bureaus and commissions of the city.

"Officer" means any elected or appointed official of the city.

"Public record" means any book, paper, map, photograph or other official documentary material regardless of physical form or character, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decision, procedures or other activities thereof, or because of the informational data contained therein. "Public record" shall also mean any reports and records of the obligation, receipt and use of public funds of any agency of the city. (Prior code § 2-4-14.1)

2.58.010 Definitions.

Chapter 2.58.020 Available for public inspection.

Public records shall be available for inspection by the public. These records shall be kept at the official place of business of each agency or officer, or at a designated place of business of such agency or officer. These records shall be available for public inspection during regular office hours, except when in any use by persons exercising official duties which require the use of such records. The person in charge of such records may require a notice in writing to be submitted twenty-four (24) hours prior to inspection and may require that such notice specify which records are to be inspected. Nothing in this section shall require an agency or officer to invade or assist in the invasion of any person's right to privacy. (Prior code § 2-4-14.2)

2.58.020 Available for public inspection.

Chapter 2.58.030 Copies of public records.

Any person authorized to inspect public records in accordance with Section 2.58.020, may obtain a copy of the record so inspected at such person's cost. The person in charge of such records shall furnish copies of any records in his possession not exceeding fourteen inches by eight and one-half inches at a cost of twenty-five cents (\$.25) for each side of each page of such records so furnished. (Prior code § 2-4-14.3)

2.58.030 Copies of public records.

Chapter 2.58.040 Removal of records prohibited.

No records shall, under any circumstances, be removed from the custody of the person in

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charge of such records for the purpose of reproduction or for any other purpose. (Prior code § 2-4-14.4)

Section 2.59

COLLECTION

Chapters:

2.59.010	Purpose
2.59.020	Definitions
2.59.030	Collecting Objectives
2.59.040	Acquisition Policy
2.59.050	Procedures for Acquisition
2.59.060	Accession Policy
2.59.070	Deaccession Policy
2.59.080	Deaccession Procedures
2.59.090	Loans and Access to Collection in Storage
Chapter 2.59.010	Purpose

- 1) The purpose of the City of Columbia, as a Certified Local Government, in operating its library, archives and museums is to collect, preserve, study, interpret, and exhibit significant historical materials relating to Columbia and its citizens, and to provide related educational services for the purpose of increasing and enriching public knowledge. The acts of acquisition, accession and deaccession shall reflect this stated purpose.
- 2) The City of Columbia's Collection Policy will govern prehistoric and historic materials held by the City of Columbia and in the possession of the Columbia Public Library, the Columbia Heritage Center (archival center), the Shoemaker School Museum, the Miller-Fiege Home, and such other locations as the City Council may determine are desirable and appropriate for preservation, care and/or exhibition of historical materials.

(Ordinance No. 3045, Added, 06/17/2013, Added New Section - Collection of Prehistoric and Historic Materials.)

Chapter 2.59.020 Definitions

- 1) "ACCESSION." The process of accepting items into the permanent Collection of the City of Columbia.
- 2) "ACQUISITION." The discovery, preliminary evaluation, assumption of physical and legal custody, and registration of materials, documents, and objects.
- 3) "COLLECTION." The aggregation of all historic and prehistoric materials, documents, and objects maintained by the City in its library, archives and museums.
- 4) "DEACCESSION." The process of permanently removing accessioned library materials, archival documents and/or museum objects from the Collection.
- 5) "DEEDS OF GIFT." Signed documents that voluntarily transfer ownership of real, personal, or intellectual property--such as a gift of historical materials--from one

person or institution to another.

(Ordinance No. 3045, Added, 06/17/2013, Added New Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.030 Collecting Objectives

- 1) Library: To maintain existing and further collect books, magazines and other published items pertinent to the interests of the community, thereby advancing the City's commitment to promote the study of local history and encourage original research, including published works which reveal the history of Columbian life and culture, such as selected commemorative newspapers, newsletter and bulletins.
- 2) Archives: To maintain existing and further collect manuscripts, photographs and other documents pertinent to the historic record of the community, thereby advancing the City's commitment to promote the study of local history and encourage original research, including:
 - a. Manuscripts pertaining to all aspects of the history of Columbia, with emphasis upon the social, educational, business and economic activities of people as expressed in personal and institutional documents;
 - b. Historic photographs of people, places and events that are significant to the understanding of Columbia's history or that help to illuminate periods in Columbia's past;
 - c. Records, organizational minutes, ledgers or other historical documents that provide insight into the city's history and the lives of its citizens over the years.
- 3) Museums: To build upon the strengths of the present collection of objects, especially:
 - a. Domestic arts, particularly of Monroe County, with particular emphasis upon furniture, furnishings, clothing, utensils, toys and personal effects (esp. in the Miller-Fiege Home);
 - b. Educational items, including books used in or with contents about country schools (esp. in the Shoemaker School);
 - c. Business items, including objects used in commerce such as advertising, calendars, and ledgers;
 - d. Government items used in operation of local governments or which were produced under the auspices of local governments;
 - e. Military objects, such as weapons, uniforms and accessories with particular emphasis given to regional involvement in conflicts;
 - f. Farming, agricultural and industrial implements, machinery, tools and memorabilia.

(Ordinance No. 3045, Added, 06/17/2013, Added New Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.040 Acquisition Policy

Library materials and museum objects must meet all of the following tests of acquisition before being acquired by the City:

- 1) The objects must be relevant to and consistent with the purposes and activities of the City, as defined in the purpose statement above;
- 2) The City can provide for the storage, protection and preservation of the objects under conditions that ensure their availability for museum purposes and in keeping with professionally accepted standards;
- 3) All acquisitions shall be appropriate for research, comparison and exhibit, and shall be of high quality as determined by the Library Director, the Director of Community & Economic Development, other designated City staff or consultants, if necessary;
- 4) Items will have permanency in the collections as long as they retain their physical integrity, their identity, and their authenticity, and/or as long as they remain useful for the purposes of the City defined in the purpose statement above;
- 5) The materials or objects must, as much as possible, be documented as to origin or source and have a clear connection to Columbia or Monroe County (even if only as a representative item);
- 6) All moral, legal, and ethical implications of the acquisition must have been considered;
- 7) Acquisitions by purchase shall be made after proper financing has been arranged;
- 8) Deeds of Gift shall be promptly registered upon receipt of all acquisitions;
- 9) A separate file arranged by donors' surnames or other sources of acquisition will be maintained under supervision of the Director of Community & Economic Development (or his or her designee) and shall contain Deeds of Gift;
- 10) All donations of materials are considered outright and unconditional gifts to be used at the discretion of the City, and title to all objects acquired shall be free and clear, without restriction to use or future disposition;
- 11) No appraisals shall be done by trustees, staff members, volunteers or any other person closely associated with either, but staff may render impartial assistance to donors seeking independent, qualified appraisers.
- 12) Documents, materials and objects relevant to Columbia and its citizens may be acquired by purchase, commission, bequest, gift, exchange, field collection, and/or abandonment. No materials or objects shall be knowingly or willfully accepted or acquired which are known to have been illegally collected in the United State contrary to federal or state law, regulation, treaty, and/or convention.
- 13) The City shall refuse to acquire documents, materials and objects where there is cause to believe that the circumstances of their collection involved needless destruction of historic sites, buildings, structures, habitats, districts, and objects.

(Ordinance No. 3045, Added, 06/17/2013, Added Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.050 Procedures for Acquisition

- 1) Library: Authority to acquire library materials rests with the Library Director within the confines of the Collection Policy. For the purpose of purchase, authorization to acquire materials with a value of less the \$1,000 is delegated to the Director within annual budgets approved by the library's board of directors. The purchase of materials having an estimated market value of \$1,000 or more shall be approved formally by that board of directors prior to acceptance or purchase.
- 2) Archives: Authority to acquire archival documents rests with the Director of Community & Economic Development or his/her designee within the confines of the Collection Policy. For the purpose of purchase, authorization to acquire documents with a value of less the \$1,000 is delegated to the Director of Community & Economic Development or his/her designee within annual budgets approved by the City Council. The purchase of materials having an estimated market value of \$1,000 or more shall be approved formally by the City Administrator prior to acceptance or purchase.
- 3) Museums: Authority to acquire museum objects is delegated to the Director of Community & Economic Development or his/her designee within the confines of the Collection Policy. For the purpose of purchase, authorization to acquire objects with a value less than \$1,000 is delegated to the Director of Community & Economic Development or his/her designee within annual budgets approved by the City Council. The purchase of objects having a value of \$1,000 or more shall be approved formally by the City Administrator prior to acceptance or purchase.
- 4) Under no circumstances will the Library Director, Director of Community & Economic Development, or other City staff be authorized to:
 - a. Obligate the City to the acceptance of any material or object inconsistent with the intent or spirit of the Acquisitions Policy;
 - b. Offer appraisals as to the monetary value of library materials, archival documents or museum objects to donors or reveal the City's insurance value for the purpose of establishing a fair market value of gifts offered to the Collection;
 - c. Appraise or otherwise place a monetary value on materials, documents or objects casually brought to the library, archival center or museums for examination.
- 5) Donors desiring to take an income tax gift deduction must obtain an independent appraisal from an authorized appraiser.

(Ordinance No. 3045, Added, 06/17/2013, Added Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.060 Accession Policy

All materials and objects shall be processed under the following procedures and policies:

- 1) All museum objects shall be assigned accession numbers and shall be indexed by category, date of acquisition, and by name with suitable cross referencing;
- 2) Collection records, including source, location and subject, as well as accession files and accession book shall be kept in accordance with accepted professional standards. Duplicate copies of records will be kept in a safe place off- site;
- 3) Materials shall be stored in a manner to provide optimum security, accessibility and preservation;
- 4) Restoration shall be performed only by qualified professionals;
- 5) Deeds of Gift shall be made for all property received. A letter of thanks to the donor with a copy of the Deed of Gift will serve as the official receipt for the donor's purpose. Deed of Gift will set forth an adequate description of the objects involved and the conditions of transfer.

(Ordinance No. 3045, Added, 06/17/2013, Added New Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.070 Deaccession Policy

The deaccession process shall be cautious, deliberate, and scrupulous in meeting the following criteria:

- 1) The material, document or object is outside the scope of the purpose of the Collection and this Collection Policy;
- 2) The material, document or object is irrelevant to the purpose of the Collection, as defined in Section 2, above;
- 3) The material, document or object lacks physical integrity;
- 4) The material, document or object has failed to retain its identity or authenticity, or been lost or stolen and remains lost for more than two (2) years;
- 5) The material, document or object is duplicate and without intrinsic value;
- 6) The City is unable to preserve the material, document or object properly;
- 7) The material, document or object has deteriorated beyond usefulness;
- 8) The material, document or object has doubtful potential use in the foreseeable future.

(Ordinance No. 3045, Added, 06/17/2013, Added New Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.080 Deaccession Procedures

No accessioned materials, documents and/or objects shall be removed from the City's Collection and physically disposed of except by strict conformity to the following rules:

- 1) When the Library Director, Director of Community & Economic Development, or their designee(s) deem it advisable to deaccession any object or collection owned

by or deposited with the museum and have determined that the item proposed for deaccession is duplicative, superfluous, deteriorated, incompatible or otherwise found to be disposable, a deaccession recommendation shall be prepared;

- 2) Upon the approval of a simple majority of the City Council present at a regular or special meeting, the items may be deaccessioned and the minutes shall reflect that decision;
- 3) If the deaccessioned material was donated to the City, consideration may first be given to return to the donor; second consideration will be given to placing the object, through gift, exchange, or sale, in another tax exempt educational institution, and deaccessioned objects not disposed of in either of these manners will only be sold in a manner that will protect the interests, objectives and legal status of the City;
- 4) The City does not sanction the sale or gift of deaccessioned objects to its employees, officers or trustees;
- 5) In compliance with the U.S. Tax Reform Act of 1984 and I.R.S. regulations, no donated object shall be deaccessioned for any reason for two years after the date of its acquisition;
- 6) Funds received from the sale of deaccessioned objects from the collection will be used only to benefit the Collection; proceeds may not be used for general operating expenses.

(Ordinance No. 3045, Added, 06/17/2013, Added New Section 2.59 Collection of Prehistoric and Historic Materials)

Chapter 2.59.090 Loans and Access to Collection in Storage

The City of Columbia will accept loaned items usually for a period of no more than six months. Special arrangements may be made for longer term loan with written consent of the owner(s), who will carry sufficient insurance on the term(s). Such loans will be renewed in writing annually. If an item is left for more than ten (10) years without written renewal from the owner(s) or successors or request for return of the item, the City will consider the item(s) abandoned and will accession the item(s) into the collection.

The City believes that prehistoric and historic materials, documents and/or objects should be used to advance knowledge and therefore should be accessible to serious students and scholars for research purposes. Access to item(s) within the City's Collection is secondary to preservation of the Collection; therefore, the primary concern in making item(s) available for examination and use will be the condition of the item(s) and availability of other sources, copies or information.

Excepting any item(s) in the Columbia Public Library, the following procedures will govern access to the City's Collection in storage:

- 1) The requesting student or scholar must submit a written request stating the purpose of the research, the requestor's academic qualifications, and anticipated use(s) of the research results;
- 2) The request will be approved or denied within thirty (30) days by the Director of

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Community & Economic Development or his/her designee; denial may be appealed to the City Council;

- 3) Requests to use historical documents and/or objects for profit-making endeavors must negotiate a licensing agreement with the City Council and adhere to all state and federal requirements for such endeavors, including (but not limited to) recognition of copyrights;
 - 4) No items from the collection may be removed from the premises without express permission of the Director of Community & Economic Development or his/her designee, and in accordance with this Policy.
- (Ordinance No. 3045, Added, 06/17/2013, Added New Section 2.59 Collection of Prehistoric and Historic Materials)

Section 2.60

CIVIL EMERGENCIES

Chapters:

- 2.60.010 Definitions.**
- 2.60.020 Declaration of emergency.**
- 2.60.030 Curfew.**
- 2.60.040 Authority of mayor to issue orders.**
- 2.60.050 Effectiveness.**
- 2.60.060 Notification.**
- 2.60.070 Violation--Penalty.**

Chapter 2.60.010 Definitions.

As used in this chapter:

"Civil emergency" means:

1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together, without authority of law; or
2. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

"Curfew" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency. (Prior code § 30-1-1)

2.60.010 Definitions.

Chapter 2.60.020 Declaration of emergency.

Whenever an emergency as defined in Section 2.60.010 exists, the mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency. The mayor shall sign the emergency declaration under oath, pursuant to 65 ILCS 5/11-1-6. (Amended during 1997 codification: prior code § 30-1-2)

2.60.020 Declaration of emergency.

Chapter 2.60.030 Curfew.

After a proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. (Prior code § 30-1-3)

2.60.030 Curfew.

Chapter 2.60.040 Authority of mayor to issue orders.

After the proclamation of a civil emergency, the mayor of the city may also, in the interest of public safety and welfare, make any or all of the following orders:

- A. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
 - B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
 - C. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;
 - D. Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
 - E. Issue such other orders as are imminently necessary for the protection of life and property. (Prior code § 30-1-4)
- 2.60.040 Authority of mayor to issue orders.

Chapter 2.60.050 Effectiveness.

The proclamation herein authorized shall be effective for a period of forty-eight (48) hours, unless sooner terminated by a proclamation of the mayor indicating that the civil emergency no longer exists. The mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty-eight (48) hour period during the time the civil emergency exists. (Prior code § 30-1-5)

2.60.050 Effectiveness.

Chapter 2.60.060 Notification.

Upon issuing the proclamation herein authorized, the chief of police shall notify the news media situated within the city and shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the following places within the city:

- A. The City Hall;
 - B. The post office;
 - C. The police station. (Prior code § 30-1-6)
- 2.60.060 Notification.

Chapter 2.60.070 Violation--Penalty.

Any person violating the provisions of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the city and shall be punishable by a fine not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00).

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Section 2.62

EMERGENCY MANAGEMENT AGENCY**Chapters:**

- 2.62.010** **Established.**
- 2.62.020** **Director.**
- 2.62.030** **Functions.**
- 2.62.040** **Mobile support team.**
- 2.62.050** **Agreements with other political subdivisions.**
- 2.62.060** **Emergency action.**
- 2.62.070** **Compensation.**
- 2.62.080** **Reimbursement by state.**
- 2.62.090** **Purchases and expenditures.**
- 2.62.100** **Oath of office.**
- 2.62.110** **Office.**
- Chapter 2.62.010** **Established.**

There is created the city EMA to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or manmade disaster, in accordance with The Illinois Emergency Management Agency Act of 1988, hereafter referred to as the State EMA Act of 1988.

This EMA shall consist of the director and such additional members as may be selected by the director.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016

There is created the city ESDA to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or manmade disaster, in accordance with The Illinois Emergency Management Agency Act of 1988, hereafter referred to as the State EMA Act of 1988. This ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

(Amended during 1997 codification: prior code § 30-4-1)

2.62.010 Established.

(Ordinance No. 3292, Amended, 11/07/2016, Amended Section 2.62.010 - EMA)

Chapter 2.62.020 Director.

The director of the city EMA shall be appointed by the mayor with the consent of the city council and shall serve until removed by same.

The director shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of the mayor as provided by statute.

In the event of the absence, resignation, death or inability to serve as the director, the mayor, or any person designated by him, shall be and act as director until a new appointment is made as provided in this code.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

The coordinator of the city ESDA shall be appointed by the mayor with the consent of the city council and shall serve until removed by same.

The coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the mayor as provided by statute.

In the event of the absence, resignation, death or inability to serve as the coordinator, the mayor, or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this code.

(Amended during 1997 codification: prior code § 30-4-2)

(Ordinance No. 3292, Amended, 11/07/2016, Amended Section 2.62.020 -Director of EMA)

Chapter 2.62.030 Functions.

The city director shall perform such EMA functions within the city as shall be prescribed in and by the State EMA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the State EMA Act of 1988.

BELOW AMENDED BY ORDINANCE NO. 3292 APPROVED 11/07/2016.

The city ESDA shall perform such ESDA functions within the city as shall be prescribed in and by the State EMA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the State EMA of 1988.

(Amended during 1997 codification: prior code § 30-4-3)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.030 Functions of the EMA amended.)

Chapter 2.62.040 Mobile support team.

All or any members of the city EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the director of the city EMA organization.

Any member of a Mobile Support Team who is a city employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the city, while so serving, shall receive from the state, reasonable compensation as provided by law.

BELOW AMENDED BY ORDINANCE NO. 3292 APPROVED 11/07/2016

All or any members of the city ESDA organization may be designated as members of a Mobile Support Team created by the Director of the state EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the coordinator of the city ESDA organization.

Any member of a Mobile Support Team who is a city employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties and immunities incident to such employment or office. Any such member who is not a paid officer of employee of the city, while so serving, shall receive from the state, reasonable compensation as provided by law.

(Amended during 1997 codification: prior code § 30-4-4)

2.62.020 Coordinator.

(Ordinance No. 3292, Amended, 11/07/2016, 2.26.040 Mobile Support Team amended.; Ordinance No. 3292,

Amended, 11/07/2016, 2.62.040 Mobile Support Team Amended.)

Chapter 2.62.050 Agreements with other political subdivisions.

The director of EMA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the city council and the State Director of EMA.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

The coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the city council and the State Director of EMA.

(Amended during 1997 codification: prior code § 30-4-5)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.050 Agreements with other Political Subdivisions amended.)

Chapter 2.62.060 Emergency action.

If the governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States, or the occurrence within the state of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of the city EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016

If the governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States, or the occurrence within the state of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of the city ESDA to cooperate fully with the state EMA and with the Governor in the exercise of emergency powers as provided by law.
(Amended during 1997 codification: prior code § 30-4-6)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.060 Emergency Action amended.)

Chapter 2.62.070 Compensation.

Members of the EMA who are paid employees or officers of the city, if called for training by the State Director of EMA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such city employees or officers shall receive for such training time such compensation as may be established by the city council.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

Members of the ESDA who are paid employees or officers of the city, if called for training by the State Director of EMA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such city employees or officers shall receive for such training time such compensation as may be established by the city council.

(Amended during 1997 codification: prior code § 30-4-7)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.070 Compensation - amended.)

Chapter 2.62.080 Reimbursement by state.

The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the city for expenses incident to training members of the ESDA as prescribed by the State Director of EMA, compensation for services and expenses of members of a Mobile Support Team while serving outside the city in response to a call by the Governor or State Director of EMA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the city for expenses incident to training members of the ESDA as prescribed by the State Director of EMA, compensation for services and expenses of members of a Mobile Support Team while serving outside the city in response to a call by the Governor or State Director of EMA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.

(Amended during 1997 codification: prior code § 30-4-8)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.080 Reimbursement by State - amended.)

Chapter 2.62.090 Purchases and expenditures.

The city council may, on recommendation of the city director of EMA, authorize any purchase of contracts necessary to place the city in a position to combat effectively a disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.

In the event of enemy caused or other disaster, the city director of EMA is authorized on behalf of the city to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to city contracts or obligations, as authorized by the State EMA Act of 1988; provided, that if the city council meets at such time, the city director of EMA shall act subject to the directions and restrictions imposed by that body.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

The city council may, on recommendation of the city coordinator of ESDA, authorize any purchase of contracts necessary to place the city in a position to combat effectively a disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.

In the event of enemy caused or other disaster, the city coordinator of ESDA is authorized on behalf of the city to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to city contracts or obligations, as authorized by the State EMA Act of 1988; provided, that if the city council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

(Amended during 1997 codification: prior code § 30-4-9)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.090 Purchases and Expenditures - amended.)

Chapter 2.62.100 Oath of office.

Every person appointed to serve in any capacity in the city EMA organization shall, before entering upon his duties, subscribe to the

following oath, which shall be filed with the coordinator:

I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the City of Columbia, Illinois EMA organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

Every person appointed to serve in any capacity in the city ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the coordinator:

I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the City of Columbia, Illinois ESDA organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

(Amended during 1997 codification: prior code § 30-4-10)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.100 Oath of Office - amended.)

Chapter 2.62.110 Office.

The mayor is authorized to designate space in a city building or

elsewhere as may be provided for by the city council for the City EMA as its office.

BELOW AMENDED BY ORDINANCE NO. 3292 ON 11/07/2016.

The mayor is authorized to designate space in a city building or elsewhere as may be provided for by the city council for the City ESDA as its office.

(Amended during 1997 codification: prior code § 30-4-11)

(Ordinance No. 3292, Amended, 11/07/2016, 2.62.110 Office - amended.)

Section 2.64

AMERICANS WITH DISABILITIES ACT

Chapters:

- 2.64.010 Creation of the office of Americans With Disabilities Act coordinator.**
- 2.64.020 Appointment of coordinator.**
- 2.64.030 Powers and duties of the Americans With Disabilities Act coordinator.**
- 2.64.040 Grievance procedure for complaints alleging violations by the city of the Americans With Disabilities Act.**

Chapter 2.64.010 Creation of the office of Americans With Disabilities Act coordinator.

There is created the appointed city office in and for the city, of and to be known as the Americans With Disabilities Act coordinator, an executive office of the city. (Ord. 1009 § 1, 1992)

- 2.64.010 Creation of the office of Americans With Disabilities Act coordinator.

Chapter 2.64.020 Appointment of coordinator.

The Americans With Disabilities Act Coordinator shall be appointed annually by the mayor, with the approval of the city council, at the first meeting of the city council held in May of each year, or as soon thereafter as is practicable. The person appointed to fill the office of ADA coordinator shall serve at the pleasure of the mayor. The ADA coordinator may hold another elected or appointed office in the city but will not receive compensation for the office of ADA coordinator. Following his or her appointment as ADA coordinator, and prior to the commencement of his or her service as ADA coordinator, the person appointed shall take and subscribe to an oath of office and post a bond as provided by Section 3-14-3 of the Illinois Municipal Code (Ill. Rev. Stat., Ch. 24, Para. 3-14-3) and this code. (Ord. 1009 § 2, 1992)

- 2.64.020 Appointment of coordinator.

Chapter 2.64.030 Powers and duties of the Americans With Disabilities Act coordinator.

The powers and duties of the ADA coordinator, shall be to coordinate the city's efforts to comply with and carry out the city's responsibilities under the Act, to investigate complaints alleging violations by the city in complying with the Act, make available to any interested persons the ADA coordinator's name, address and telephone number, and to execute any other powers and duties as prescribed by the Act and its accompanying federal regulations. (Ord. 1009 § 3, 1992)

- 2.64.030 Powers and duties of the Americans With Disabilities Act coordinator.

Chapter 2.64.040 Grievance procedure for complaints alleging violations by the city of the Americans With Disabilities Act.

Complaints of alleged violations of the Americans With Disabilities Act by the city must be made in writing and filed with the ADA coordinator of the city. Complaints must contain the name of the petitioner, dates of the alleged violations, city employees or agents who participated in the alleged violations, the names of all witnesses to the alleged violations, a description of the

events or conditions that allegedly violate the Act, the provisions of the Act or its federal regulations that are violated by the alleged events or conditions, and a proposal by the petitioner as to remedying the alleged violations. Complaint forms are available from the ADA coordinator. The ADA coordinator shall render his decision on the complaint within fifteen (15) working days from the date of the filing of the complaint.

If a complaint cannot be resolved to the satisfaction of the petitioner by the ADA coordinator, then a petitioner may appeal the ADA coordinator's decision in writing to the ADA compliance committee. Appeal forms are available from the ADA coordinator and shall be filed with the city clerk. A hearing will be held by the ADA committee within fifteen (15) working days of the filing of the appeal, at which time the petitioner may present evidence and testimony in support of his complaint and appeal. The ADA committee shall render a written decision on an appeal within thirty (30) days of the hearing.

If a complaint cannot be resolved to the satisfaction of the petitioner by the ADA committee, then a petitioner may appeal the ADA committee's decision in writing to the city council. Appeal forms are available from the ADA coordinator and shall be filed with the city clerk. A hearing will be held by the city council at its next regular meeting held not sooner than ten working days after having received petitioner's appeal of the ADA committee's decision. A petitioner may present evidence and testimony in support of his complaint and appeal. The city council shall render a written decision on an appeal within thirty (30) days of the hearing.

All hearings held before the ADA committee and the city council shall be recorded and transcripts of said hearing shall be available upon written request.

The use of this grievance procedure is not a prerequisite for a petitioner to pursue other remedies. A petitioner's filing of a complaint or appeal as part of the proceedings of this grievance procedure shall in no way impair petitioner's pursuit of remedies by filing a complaint with any state or federal agency or by filing a lawsuit in any state or federal district court. However, the filing of a complaint or a lawsuit by a petitioner with any state or federal agency or court shall immediately suspend all proceedings of the grievance procedure and any action proposed or taken by the city as a result of the petitioner's complaint or appeal. (Ord. 1042 § 1, 1992)

Section 2.66

POLICE PENSION FUND

Chapters:

- 2.66.010 Findings of fact and conclusions of law.**
- 2.66.020 Establishment and application of police pension fund.**
- 2.66.030 Creation of the board of trustees for the fund.**
- 2.66.040 Board meetings.**
- 2.66.050 Powers and duties of the board.**
- 2.66.060 Annual report.**
- 2.66.070 Pension payments.**
- 2.66.080 Report by board.**
- 2.66.090 Exemption from garnishment or attachment.**
- 2.66.100 Recapture of overpayments.**
- 2.66.110 Felony conviction.**
- 2.66.120 Application of administrative review law.**
- 2.66.130 Incorporation of Article 3 of the Illinois Pension Code.**
- 2.66.140 Financing.**

Chapter 2.66.010 Findings of fact and conclusions of law.

The corporate authorities of the city find and declare that the findings of fact and conclusions of law stated in the preamble of the ordinance codified in this chapter are true and correct and bind the city to create and administer the police pension fund provided for in this chapter. (Ord. 867 § 1, 1990)

- 2.66.010 Findings of fact and conclusions of law.

Chapter 2.66.020 Establishment and application of police pension fund.

There is established a police pension fund, (the "fund"), in the city as required by the Illinois Pension Code (the "Act"). All policemen, their widows, dependent children or dependent parents are eligible for pension benefits from the fund who qualify under the Act, including the following sections of the Act: Sections 3-105.1, 3-106, 3-108, 3-108.1, 3-111, 3-111.1, 3-112, 3-114.1, 3-114.2, 3-114.3, 3-114.4, 3-114.5, 3-115, 3-116, 3-116.1, 3-117.1, 3-120, 3-121, 3-122, 3-123, 3-124, 3-124.1 and 3-124.2 of the Act. (Ord. 867 § 2, 1990)

- 2.66.020 Establishment and application of police pension fund.

Chapter 2.66.030 Creation of the board of trustees for the fund.

A board of five members shall constitute the board of trustees to administer the fund and to designate the beneficiaries thereof, (the "board"). The board shall be known as the board of trustees of the Columbia police pension fund.

Two members of the board shall be appointed by the mayor. The third and fourth members of the board shall be elected from the active participants of the pension fund by such active participants. The fifth member of the board shall be elected by and from the beneficiaries of the fund.

The initial five-member board shall take office the first Tuesday in December, 1990, and shall serve until the second Tuesday in May, 1991. Thereafter, one of the two board members appointed by the mayor shall serve for one year beginning on the second Tuesday of May, 1991.

The other board member appointed by the mayor, the two board members elected by the active participants and the one board member elected by the beneficiaries shall serve for two years beginning on the same day. Their successors shall serve for two years each or until their successors are appointed and qualified.

The election for the initial board members required to be elected shall be held the third Monday in November, 1990. Thereafter, the election for board members shall be held biannually on the third Monday in April, at such place or places in the city and under the Australian ballot system and under such regulations as shall be prescribed by the appointed members of the board.

At the election the active participants in the fund shall be entitled to vote only for the two active participant members of the board. All beneficiaries of legal age may vote only for the one member of the board chosen from among the beneficiaries. No person shall be entitled to cast more than one ballot at such election. The term of the initial elected members of the board shall be until the second Tuesday in May, 1991. Thereafter, the term of elected members of the board shall be for two years, beginning on the second Tuesday of the first May after the election.

Upon the death, resignation or inability to act of any elected board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the board and conducted in the same manner as the regular biannual election. (Ord. 867 § 3, 1990)

2.66.030 Creation of the board of trustees for the fund.

Chapter 2.66.040 Board meetings.

The board shall hold annually regular quarterly meetings on the second Tuesday of July, October, January and April, and special meetings as called by the president of the board.

At the organization meeting of the board, the board shall elect from its members a president, vice-president, secretary and assistant secretary. At the regular meeting of the board and each July thereafter the board shall elect from its members a president, vice-president, secretary and assistant secretary to serve for one year. Notwithstanding anything herein to the contrary, board officers shall serve until their respective successors are elected and qualified.

The vice-president shall perform the duties of president during any vacancy in that office, or during the president's absence from the city, or if he or she is by reason of illness or other causes unable to perform the duties of the office.

The assistant secretary shall act for the secretary whenever necessary to discharge the functions of such office. (Ord. 867 § 4, 1990)

2.66.040 Board meetings.

Chapter 2.66.050 Powers and duties of the board.

The board shall have the powers and duties stated in the Act, including but not limited to the following:

A. To Control and Manage the Pension Fund. To control and manage, exclusively, the pension fund, and all money donated, paid or assessed to the pensioning of disabled and retired police officers, their surviving spouses, minor children and dependent parents. All such moneys shall be placed by the city treasurer to the credit of the fund, subject to the order of the board;

B. To Order Payments and Issue Certificates. To order the payment of pensions and other benefits and to issue certificates signed by the board's president and secretary to the beneficiaries stating the amount and purpose of the payment;

C. Submit Annual List of Fund Payments. To submit annually to the city council by April 30th of each year, a list of persons entitled to payments from the fund, stating the amount of payments, and their purpose, as ordered by the board. The list shall also include items of

income accrued to the fund during the fiscal year. The list shall be signed by the president and secretary of the board, and attested under oath. A resolution or order for the payment of money shall not be valid unless it is approved by a majority of the board members, and signed by the president and secretary of the board;

D. Draw and Invest Funds. To draw pension funds from the city treasurer, and invest any part thereof in the name of the board in: (1) interest-bearing bonds or tax anticipation warrants of the United States, of the state of Illinois, or of any county, township or municipal corporation of the state of Illinois; (2) insured withdrawable capital accounts of state or federal chartered savings and loan associations if the withdrawable capital accounts are insured by the Federal Savings and Loan Insurance Corporation; (3) insured investments of credit unions if insured by the National Credit Union Administration; (5) savings accounts or certificates of deposit in a national or state bank; (6) other investments authorized by Section 3-135 of the Act.

All securities shall be deposited with the treasurer of the city, and be subject to the order of the board. Interest on the investments shall be credited to the pension fund.

No bank or savings and loan association shall receive investment funds from the fund, unless it has complied with the requirements establish pursuant to Section 6 of An Act Relating to Investments of Public Funds by Public Agencies (Ill. Rev. Stat., Ch. 85, Sec. 906). Limitations set forth in said Section 6 shall be applicable only at the time of investment and shall not require the liquidation of any investment at any time;

E. Subpoena Witnesses. To compel witnesses to attend and testify before the board upon all matters connected with the administration of the Act, in the manner provided by law for taking of testimony in the Circuit Courts of the state of Illinois. The president, or any board member, may administer oaths to witnesses;

F. Appoint Clerk. To appoint a clerk and define his duties. No person drawing a pension under this chapter shall be employed by the board;

G. Pay Expenses. To provide for the payment from the fund of all necessary expenses, including clerk hire, printing or witness fees;

H. Keep Records. To keep a public record of all board proceedings;

I. Make Rules. To make necessary rules and regulations in conformity with the provisions of the Act, and to publish and transmit copies from time to time to all pensioners and contributors;

J. Accept Donations. To accept by gift, grant, transfer or bequest, any money, real estate, or personal property. Such money and the proceeds of the sale of or the income from such real estate or personal property shall be paid into the pension fund. (Ord. 867 § 5, 1990)

2.66.050 Powers and duties of the board.

Chapter 2.66.060 Annual report.

On the second Tuesday in May, annually, the city treasurer and all other city officials who had custody of any pension funds, shall make a sworn statement to the pension board, and to the mayor and city council, of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the treasurer shall be paid to the treasurer of the city. Upon demand of the pension board, any official shall furnish a statement relative to the official method of collection or handling of pension funds. All books and records of that official shall be produced at any time by him or her for examination and inspection by the board. (Ord. 867 § 6, 1990)

2.66.060 Annual report.

Chapter 2.66.070 Pension payments.

Any police officer and any eligible surviving spouse, child or children, or dependent parent of the officer to whom the board has ordered benefits to be paid, shall receive a yearly benefit payable in twelve (12) equal monthly installments, which shall be the aggregate amount to which they are entitled.

If at any time there is insufficient money in the fund to pay the benefits under this chapter, the city council shall make every legal effort to replenish the fund so that all beneficiaries may receive the amounts to which they are entitled. If thereafter, there still remain insufficient funds, the beneficiaries shall be paid pro-rata from the available funds, but no allowance or order of the board shall be held to create any liability against the city, but only against the pension fund. (Ord. 867 § 7, 1990)

2.66.070 Pension payments.

Chapter 2.66.080 Report by board.

The board shall report to the city council on the condition of the pension fund. The report shall be made prior to the council meeting held for the levying of taxes for the year for which the report is made.

The board shall certify:

- A. The assets in its custody at such time;
- B. The estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from other sources; and
- C. The estimated amount required during the calendar year to: (1) pay all pensions and other obligations provided in this chapter, and (2) to meet the annual requirements of the fund as provided in Section 3-125 of the Act. (Ord. 867 § 8, 1990)

2.66.080 Report by board.

Chapter 2.66.090 Exemption from garnishment or attachment.

All pensions, funds or disability pension benefits granted under this chapter, and every portion thereof, shall be exempt from attachment or garnishment process and shall not be seized, taken, subject to, detained or levied upon by virtue of any judgment, or any process or proceeding whatsoever issued out of or by any court for the payment and satisfaction in whole or in part of any debt, damage, claim, demand or judgment against any pensioner, refund applicant or other beneficiary under this chapter. (Ord. 867 § 9, 1990)

2.66.090 Exemption from garnishment or attachment.

Chapter 2.66.100 Recapture of overpayments.

The amount of any overpayment, due to fraud, misrepresentation or error, of any pension or benefit granted under this chapter may be deducted from future payments to the recipient of such pension or benefit. (Ord. 867 § 10, 1990)

2.66.100 Recapture of overpayments.

Chapter 2.66.110 Felony conviction.

None of the benefits provided in this chapter shall be paid to any person who is convicted of any felony relating to or arising out of or in connection with his or her service as a police officer.

Nothing herein to the contrary shall, however, impair any contract or vested right acquired prior to July 1, 1955 under any law continued in the Act, nor preclude the right to a refund.

All persons entering service with the Columbia police department after July 11, 1955 are deemed to have consented to the provisions of this section as a condition of coverage. (Ord. 867 § 11, 1990)

2.66.110 Felony conviction.

Chapter 2.66.120 Application of administrative review law.

The provisions of the administrative review law, and all amendments and modifications thereof and rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the board provided for under this chapter. The "administrative review law" is that law contained in Chapter 110, Section 3-101 et. seq. of the Illinois Revised Statutes. The term "administrative decision" is as defined in Section 3-101 of the Code of Civil Procedure, (Ill. Rev. Stat., Ch. 110, Sec. 3-101). (Ord. 867 § 12, 1990)

2.66.120 Application of administrative review law.

Chapter 2.66.130 Incorporation of Article 3 of the Illinois Pension Code.

Article 3 of the Illinois Pension Code, as amended, (Ill. Rev. Stat., Ch. 108 1/2, Article 3, Section 3-101, et. seq.), is incorporated in and made part of this chapter the same as if set forth herein verbatim for such details and matters as are not set forth in this chapter. In case of any conflict between the provisions of this chapter and the Article 3 of the Illinois Pension Code the applicable provisions of the Illinois Pension Code shall control. If and as the Illinois Pension Code is amended, from time to time, the provisions of this chapter insofar as same may vary from the provisions of the Illinois Pension Code shall automatically be construed to have been amended to conform to the Illinois Pension Code. (Ord. 867 § 13, 1990)

2.66.130 Incorporation of Article 3 of the Illinois Pension Code.

Chapter 2.66.140 Financing.

The city council shall annually levy a tax upon all the taxable property of the city at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to: (1) the normal cost of the pension fund for the year involved; plus (2) the amount necessary to amortize the fund's unfunded accrued liability as provided in Section 3-127 of the Act. The tax shall be levied and collected in the same manner as the general taxes of the city, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the city, and shall be in addition to the amount authorized to be levied for general purposes as provided in Section 8-3-1 of the Illinois Municipal Code, as amended, (Ill. Rev. Stat., Ch. 24, Para. 8-3-1).

The police pension fund shall consist of the following monies which shall be set apart by the city treasurer and earmarked for the police pension fund:

- A. All moneys derived from the taxes levied hereunder;
- B. Contributions by police officers under Section 3-125.1 of the Act;
- C. All moneys accumulated by the city under any previous legislation establishing a fund for the benefit of disabled or retired police officers; and
- D. Donations, gifts or other transfers authorized by this chapter and the Act. (Ord.

867 § 14, 1990)

Section 2.68

PERSONNEL CODE

Chapters:

2.68.010	Purpose, scope and disclaimer.
2.68.020	Personnel committee-- Composition.
2.68.030	Personnel committee--Power and duties.
2.68.035	Employment discrimination.
2.68.040	Prohibition against unlawful harassment.
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Chapter 2.68.010 Purpose, scope and disclaimer.

The purpose of this chapter is to establish a comprehensive code for personnel management and administration. It is subject to review, revision and change at the sole discretion of the city.

This code should not be construed as and does not constitute a contract, express or implied, guaranteeing employment for any specific duration, and the city expressly reserves the right to terminate employment at any time consistent with law.

This code shall apply to all city employees, except those represented by a labor organization for purposes of collective bargaining and/or those specifically exempted.

No city official shall have the authority to enter into any agreement relating to employment for any specified period of time or to make any promises or commitments contrary to the foregoing or to the provisions of this code, except as may be made by written agreement between an employee and the city, subject to approval by the city council. (Ord. 1121 § 1 (part), 1993; prior code § 10-1)

2.68.010

Chapter 2.68.020 Personnel committee-- Composition.

There is created a personnel committee, which shall consist of four members of the city council (hereinafter sometimes referred to as the "council") to be appointed by the executive and rules committee, by and with the advice and consent of the city council. Each member shall serve for a term of one year. One member shall be designated by the personnel committee as its chairman. The committee shall meet at such times as it may determine. (Ord. 1121 § 1 (part), 1993; prior code § 10-2-1)

2.68.020

Chapter 2.68.030 Personnel committee--Power and duties.

The personnel committee shall:

- A. Advise the council on matters concerning personnel administration;
- B. Make any investigation which it deems advisable concerning the administration

of personnel in the city and report its findings and recommendations to the council;

C. Recommend to the council policy rules and procedures pertaining to personnel administration;

D. Recommend to the council wages, salaries and fringe benefits for all city employees;

E. Select the final candidate from those submitted and recommended by department head, or if there is no department head, the personnel committee shall select the finalist. The committee may, alternatively, report its recommendations to the council as a whole, which shall then make the selection(s) and act thereon. The appointment of city officers shall be made in accordance with Section 2.68.110. (Ord. 1121 § 1 (part), 1993; prior code § 10-2-2)

2.68.030

Chapter 2.68.035 Employment discrimination.

The City provides equal employment opportunities to each employee and applicant for employment without regard to race, color, religion, national origin, ancestry, age, sex, marital status, handicap or disability, unfavorable discharge from military service, status as a Vietnam-era or special disabled veteran, or citizenship status in accordance with applicable law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

(Ordinance No. 3198, Added, 08/03/2015, Added new Section 2.68.035 Employment Discrimination to Municipal Code.)

Chapter 2.68.040 Prohibition against unlawful harassment.

A. Scope of Harassment. The City of Columbia prohibits harassment of job applicants or employees. Harassment includes, but is not limited to slurs, jokes, other verbal, graphic, or physical conduct relating to an individual's race, color, sex, gender, religion, national origin, age, citizenship status, disability, handicap, sexual orientation, or genetic information. A violation of this harassment policy shall result in a corrective action, up to and including termination.

B. Sexual Harassment. Sexual harassment shall include any unwelcome sexual advances or requests for sexual favors, or any conduct of a sexual nature when;

1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2) Submission to or rejection of such conduct by an individual is used as the basis for any employment related decision affecting the individual; or

3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Such conduct is illegal.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or jokes of a sexual nature are considered sexual harassment, including:

- 1) Sex-oriented verbal abuse;
- 2) Subtle pressure for sexual activity;
- 3) Physical contact as patting, pinching, or constant brushing against the body of another;
- 4) Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status;
- 5) Sexual names, pornographic material, or other similar demeaning or insulting behavior based on sex;
- 6) Unauthorized touching of a sexual nature;
- 7) Leering or ogling.

All such acts are prohibited and will result in corrective action up to and including termination. An employee who feels he/she has been the victim of sexual harassment by another employee should notify their department head, or the City Administrator, as quickly as possible. If the complaint involves the employee's department head, the employee should notify the next level of the chain of command. The matter will be investigated, and where appropriate, corrective action will be taken. If the employee is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Administrator to discuss his or her complaint. An employee

should not assume the City is aware of the harassment. It is the employee's responsibility to report incidents he or she knows about.

C. Harassment Based on Protected Characteristics. If an employee believes he or she is being harassed based upon another legally protected characteristic other than sex, such as the employee's race, color, religion, national origin, age, citizenship status, disability, handicap, sexual orientation, or genetic information, he or she should report the harassment to their department head, or the City Administrator, as quickly as possible. If the complaint involves the employee's department head, the employee should notify the next level of the chain of command. The matter will be investigated, and where appropriate, corrective action will be taken. If the employee is not satisfied with the way his or her report has been handled, he or she should arrange for a conference with the City Administrator to discuss his or her complaint. An employee should not assume the City is aware of the harassment. It is the employee's responsibility to report incidents he or she knows about.

D. Harassment of City Employee by Non-City Employee. The harassment of a City employee by someone other than an employee of the City, but in connection with the employee's employment with the City, is also prohibited. Any employee who becomes aware of any such harassment of a City employee by a non-employee shall report such harassment to their department head. Appropriate action will be taken with respect to a violation of this policy by a non-City employee.

E. Reprisal/Retaliation. The City shall ensure that any employee that reports any form of harassment in good faith or who participates in a harassment related investigation will be protected from any employment related reprisal. In addition, employees who are investigated for a violation of the harassment policy shall be notified by the investigating City official that they are not to retaliate against the employee who has generated the complaint or any other employee that has participated within the investigation. Employees who file a complaint with the Human Rights Department or Human Rights Commission will not be retaliated against based on such complaint. Retaliation will be considered a violation of this policy and shall result in corrective action up to and including termination.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

F. False Report. A false report is a report of harassment made by an accuser using the harassment report to accomplish some end other than stopping harassment or retaliation for reporting harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to corrective action up to and including termination.

BELOW AMENDED BY ORDINANCE NO. 3198 APPROVED ON 08/03/2015

A. Statement of Policy. The City provides equal employment opportunities to each employee and applicant for employment without regard to race, color, religion, national origin, ancestry, age, sex, marital status, handicap or disability, unfavorable discharge from military service, status as a Vietnam-era or special disabled veteran, or citizenship status in accordance with applicable law. This policy applies to all terms and conditions of employment,

including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

B. Prohibition Against Unlawful Harassment. *The City expressly prohibits any form of unlawful employee harassment based on race, color, religion, national origin, ancestry, age, sex, marital status, handicap or disability, unfavorable discharge from military service, status as a Vietnam-era or special disabled veteran, or citizenship status. Harassment is prohibited whether it occurs in person, in writing, by telephone, facsimile, e-mail, via the Internet, or through any other means of communication. Harassment can be physical, verbal, or visual. Examples of prohibited physical harassment include, but are not limited to, unwelcome physical contact, invading one's physical space, damaging one's personal property, offensive gestures, or any other offensive act directed at someone because of his/her sex, race, color, religion, national origin, citizenship, age, disability, or other protected status. Examples of prohibited verbal or visual harassment include, but are not limited to, unwelcome comments, jokes, epithets, threats, insults, name-calling, negative stereotyping, possession or display of derogatory pictures or other graphic materials, and any other words or conduct that demean, stigmatize, intimidate, or single out a person because of his/her sex, race, color, religion, national origin, citizenship, age, disability, or other protected status.*

C. Specific Policy on Sexual Harassment. *The City also prohibits all forms of sexual harassment. Sexual harassment includes, but is not limited to sexually-oriented jokes, flirtation, obscene letters or notes, inappropriate compliments, sexual propositions or advances, "cat calls" or whistling, possession or display of sexually-explicit objects or pictures, exchange of sexual "gag" gifts, inappropriate discussion of one's sexual experiences or desires, comments about an individual's body or appearance, sexual gestures, physical contact such as patting, pinching, or purposely rubbing up against another's body, demands or pressures (actual or implied) for sexual favors, continuing to express sexual or romantic interest after being informed the interest is not welcomed, making promises or suggestions (actual or implied) of preferential or adverse treatment as a result of one's acceptance or rebuttal of sexual advances, and retaliating against an employee for refusing sexual advances.*

Harassment of any form is prohibited even if the person to whom it is directed appears to welcome this behavior or reciprocate it.

D. Discipline. *Any employee who engages in, condones, or otherwise participates in any form of harassment in violation of this policy is subject to disciplinary action, up to and including discharge.*

E. Complaint Procedure. *An employee who believes he or she has experienced any form of aforementioned harassment should promptly report the matter to their department head or the City Administrator or if to do so would be inappropriate, to the chairman of the Personnel Committee for investigation.*

F. Investigation. *The City takes all complaints of sexual harassment seriously. All complaints will be investigated promptly and thoroughly. Information obtained during the investigation process will be kept confidential to the extent possible under the circumstances. When the investigation is complete, the City will advise the person who brought the complaint and the alleged harasser of the outcome of the investigation.*

Individuals who knowingly provide false information in an investigation, or refuse to cooperate in an investigation are subject to disciplinary action.

G. Retaliation Prohibited. *The City strictly prohibits retaliation against any employee on the basis of his/her good faith report of harassment or participation in an investigation related to alleged harassment. An employee who believes that she or he has been retaliated against because the employee reported harassment or participated in a harassment investigation should report it immediately to the employee's department head or the City Administrator or if to do so would be inappropriate, to the chairman of the Personnel Committee.*

(Ord. 1121 § 1 (part), 1993: prior code §§ 10-3-1--10-3-4)

2.68.040

(Ordinance No. 3363, Amended, 01/02/2018, Amended Items E and F under Section 2.68.040 Prohibition Against Unlawful Harassment.; Ordinance No. 3198, Amended, 08/03/2015, Amended Unlawful Discrimination and Harassment in Municipal Code.; Ordinance No. 2590, Amended, 09/17/2007, Amend Section 2.68.040 Policy prohibiting discrimination and harassment.; Ordinance No. 2590, Amended, 09/17/2007, Amended Section 2.68.040 - Equal Employment Opportunity.)

Chapter 2.68.045 Drug free workplace

In compliance with the Illinois Drug Free Workplace Act, the City has established a drug-free workplace policy.

A. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances, including cannabis, by any employee or official conducting any business on behalf of the City or on or within any property owned by the City is prohibited.

B. Any employee convicted of a violation of any criminal drug statute while conducting business on behalf of the City or on or within any property owned by the City must notify his or her immediate supervisor and/or Department Head of such convictions within five (5) days after the conviction.

C. The City has established a Drug Free Awareness program to inform employees about the dangers of drug abuse in the workplace, the City's policy of maintaining a drug-free workplace, the available drug counseling programs and employee assistance, and the fact that any employee who violates this Policy or who tests positive for illegal drugs will be discharged.

D. Within thirty (30) days after notice of conviction of a violation of any controlled substances laws or statutes for a violation occurring in the workplace is provided by the employee, the employee must participate in a

drug abuse assistance or rehabilitation program and provide the City with proof of completion of participation in that program.

E. Any employee failing to comply with the terms and conditions of this section will be subject to disciplinary action including immediate discharge and suspension without pay. The City reserves the right to suspend without pay any employee undergoing assistance or rehabilitation.

(Ordinance No. 3199, Added, 08/03/2015, Adding Section 2.68.045 Drug Fee Workplace to Municipal Code.)

Chapter 2.68.050 Records and reports.

A. Business Hours. The city council shall, with the advice of the personnel committee, set the business hours of all city departments.

B. Personnel Forms. The city clerk shall prescribe forms to be used and properly maintained by all city departments. All personnel forms shall be reviewed by and kept on file with the city clerk or the clerk's designate.

C. Leave Records. The city clerk shall for each employee maintain a leave record with the following information:

1. Annual vacation accrued, used and unused;
2. Sick leave accrued, used and unused;
3. Any other leave accrued, used and unused.

D. Official Roster. The city clerk shall maintain a roster of all employees, showing name, current address, date of hire, title of position, salary rate, changes in status, and other data as directed by the city council. (Ord. 1121 § 1 (part), 1993: prior code §§ 10-4-1--10-4-4)

2.68.050

Chapter 2.68.060 Performance review.

Each employee, upon completion of their orientation period, will have their performance reviewed, and thereafter their performance shall be reviewed on an annual basis. This review will be completed in writing by the employee's department head in writing. It will be discussed with the employee and signed by the department head and the employee. A copy of all reviews will be maintained in the employee's personnel file. (Ord. 1121 § 1 (part), 1993: prior code § 10-4-5)

2.68.060

Chapter 2.68.070 Employee access to personnel files.

An employee, upon written request, may examine his or her own personnel file during the normal working hours twice in a calendar year. (Ord. 1121 § 1 (part), 1993: prior code § 10-4-6)

2.68.070

Chapter 2.68.080 Hiring--Applications.

When additional employees are to be hired, the selection process shall include publication at City Hall and in newspapers.

An application for employment must be filled out by all persons seeking employment. An application form is attached to the ordinance codified in this chapter as Addendum 1.

Applications may be obtained at the city clerk's office. Interviews may be conducted by a department head, the mayor, and/or the personnel committee.

An applicant for the position of law enforcement officer shall meet the requirements of and shall be selected by the board of fire and police commissioners. (Ord. 1121 § 1 (part), 1993: prior code § 10-5-1)

2.68.080

Chapter 2.68.090 Benefit eligibility.

Full-time employees shall be eligible for all benefits provided to city employees under the provisions of this code.

Part-time employees hired to work in excess of one thousand (1,000) hours per year shall be eligible for vacation and sick leave on a pro-rata basis, but shall not be eligible for any other benefits.

Part-time or temporary employees hired to work less than one thousand (1,000) hours per year shall not be eligible for vacation, sick leave or any other benefits.

(Ord. 1121 § 1 (part), 1993: prior code § 10-5-2) 2.68.090

Chapter 2.68.100 Medical examinations.

As part of the city's employment procedures, an applicant is required to undergo a post-offer, preemployment medical examination and an alcohol and drug screening that are conducted by a physician designated by the city. Any offer of employment that an applicant receives from the city is contingent upon, among other things, satisfactory completion of this examination and screening and a determination by the city and its examining physicians that the applicant is capable of performing the essential duties of the position that has been offered, with or without a reasonable accommodation.

As a condition of continued employment, an employee may also be required to undergo periodic medical examinations and/or alcohol and drug screenings, at times specified by the city. In connection with these examinations, an employee is required to provide the city with access to their medical records, if requested. Further, it should be understood that the city receives a full medical report from its examining physicians regarding the applicant's or employee's state of health. All city-required medical examinations and alcohol and drug screenings are paid for by the city. (Ord. 1121 § 1 (part), 1993: prior code § 10-5-3)

2.68.100

Chapter 2.68.110 Appointments.

The mayor, with the approval of the city council, shall appoint a superintendent of maintenance, police chief, assistant police chief, executive secretary to the mayor, city attorney, city auditor, city collector, and any other appointed city officers for whom a city office is created by ordinance enacted by two-thirds vote of the city council (in accordance with the Illinois

Municipal Code, Ill. Rev. Stat., Ch. 24, Sec. 3-7-1, as amended). The city clerk shall appoint a deputy city clerk (in accordance with Ill. Rev. Stat., Ch. 24, Sec. 3-6-3, as amended). Appointment shall be for a one-year term, unless terminated sooner by the mayor as provided by state law, or until their successor is appointed and has qualified. (Ord. 1121 § 1 (part), 1993: prior code § 10-5-4)

2.68.110

Chapter 2.68.120 Employment of family members

The city permits the employment of qualified family members of an employee as long as such employment does not, in the opinion of the city, create actual or perceived conflicts of interest. For purposes of this policy, "family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin or corresponding in-law or "step" relation. The City will exercise sound business judgment in the placement of family members of employees in accordance with the following guidelines:

A. Individuals who are family members of employees are permitted to work for the city, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the chain of command of a family member such that one family member's work responsibilities, salary or career progress could be influenced by the other family member.

B. No family members are permitted to work in the same department or in any other positions in which the city believes an inherent conflict of interest may exist.

Section below amended by Ordinance No. 3187, passed and approved 06/01/2015.

The city permits the employment of qualified relatives of an employee as long as such employment does not, in the opinion of the city, create actual or perceived conflicts of interest. For purposes of this policy "relative" is defined as a child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin or corresponding in-law or "step" relation. The city will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

A. Individuals who are related are permitted to work for the city, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the chain of command of a relative such that one relative's work

responsibilities, salary or career progress could be influenced by the other relative.

B. No relatives are permitted to work in the same department or in any other positions in which the city believes an inherent conflict of interest may exist. (Ord. 1121 § 1 (part), 1993: prior code § 10-5-5)

2.68.120

(Ordinance No. 3187, Amended, 06/01/2015, Updated Employment of Family Members to include spouses in the list of qualified family members of an employee not eligible for employment by the city.; Ordinance No. 3187, Amended, 06/01/2015, Changed name of chapter from employment of relatives to employment of family members.)

Chapter 2.68.130 Orientation period.

A. Duration. A newly hired employee shall be subject to an orientation period of ninety (90) calendar days.

B. Purpose. The orientation period is to afford the employee an opportunity to become familiar with, and to perform, the requirements of the position and to allow the city to observe the employee's performance.

C. Dismissal and Completion. An employee may be dismissed at any time during the orientation period. Completion of the orientation period is not to be construed as creating a contract of employment, guaranteeing employment for any specific duration, or as establishing a "just cause" standard for termination.

D. Benefits. A new employee shall be entitled to fringe benefits, as provided herein, upon the completion of a ninety (90) day orientation period, except that a new employee shall be eligible for group medical insurance after thirty (30) days.

E. Vacation and Sick Leave. During the orientation period, an eligible employee will accrue vacation; however, vacation time shall not be taken during the first year of employment.

Upon the successful completion of the orientation period, an eligible employee will be credited with sick leave from the date of hire. A new employee shall not be paid sick leave during the orientation period. (Ord. 1121 § 1 (part), 1993: prior code §§ 10-6-1--10-6-5)

2.68.130

Chapter 2.68.140 Employee conduct--Absenteeism and tardiness.

The city expects each employee to assume diligent responsibility for attendance and promptness. Recognizing, however, that illnesses and injuries may occur, the city has established sick leave, salary continuation, and long-term disability benefit plans to compensate an eligible employee for certain time lost for legitimate medical reasons, including time off to secure necessary treatment for a disability.

Should an employee be unable to work for medical reasons, the employee shall notify the department head by nine a.m. on each day of absence unless otherwise granted an authorized leave. Failure to properly notify the city will be deemed an unexcused absence.

If an employee is absent for more than three consecutive workdays, a statement from a physician may be required before the employee will be permitted to return to work. In such instances, the city also reserves the right to require the employee to submit to an examination by a physician designated by the city at its discretion.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the city is grounds for disciplinary action, up to and including dismissal. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-2)

2.68.140

Chapter 2.68.150 Hours of work.

The standard work day shall be eight hours. Overtime may be required.

An employee shall be authorized a one-hour lunch break, unless more is otherwise approved at a time (approximately midday) convenient to the department. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-2)

2.68.150

Chapter 2.68.160 Current address and phone number required.

Each employee shall provide their department head with a current address and phone number. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-3)

2.68.160

Chapter 2.68.170 Personal business during working hours.

An employee is expected to confine personal business to off-duty hours. Exceptions permitted are bonafide emergencies. Visitors and personal phone calls are discouraged. Personal long distance phone calls on city telephones will be charged to the employee placing the call. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-4)

2.68.170

Chapter 2.68.180 Employee' s ability to perform.

It is expected that an employee will be able to perform the essential functions of the job for which employed. Reasonable accommodations, as required by law, will be made. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-5)

2.68.180

Chapter 2.68.190 Outside employment.

City employment shall have precedence over outside employment of employees.

An employee shall not engage in outside employment which is inconsistent with their city employment or which is detrimental to the best interests of the city. The city council shall in each case determine whether outside employment is inconsistent with city employment or detrimental to the best interests of the city.

An employee engaged in outside employment of more than twelve (12) hours per week shall provide the city clerk and their department head with the name of the employer, a work schedule, and a description of the work performed.

An employee may not engage in outside employment or non-city business while on duty, nor may city property be used for such employment or business.

An employee injured while engaged in outside employment or non-city business shall be ineligible for the accrual of vacation and sick leave during the duration of any time absent from city employment. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-6)

2.68.190

Chapter 2.68.200 Financial interests.

No employee shall have a financial interest in any contract or business with the city.

Requests for waiver of this provision may be made to the personnel committee. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-7)
2.68.200

Chapter 2.68.210 Payment due the city.

An employee is expected to be timely in regard to any payments or charges owed the city. Failure to be timely in regard to such charges or payments may result in disciplinary action, up to and including dismissal. (Ord. 1121 § 1 (part), 1993: prior code § 10-7-8)
2.68.210

Chapter 2.68.220 Employee associations and affiliations.

A. Employees' Organizational Rights. The city recognizes that employees have, and are protected in the exercise of, the right of self-organization, and may form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, as provided by the Illinois Labor Relations Act, and to engage in other concerted activities not otherwise prohibited by law for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion.

The city also recognizes that employees have, and are protected in the exercise of, the right to refrain from participating in any such concerted activities.

B. Administrative Status in Employee Organizations. Elected city officials, executive heads of departments, and other persons excluded as employees under Section 3(N) of the Illinois Public Labor Relations Act may maintain membership in employee organizations; however, they are excluded from representation by those organizations, and may not serve on an employee negotiating or grievance committee.

C. City's Negotiating Agent. The mayor shall have the authority to negotiate any collective bargaining agreements, subject to the approval of the city council.

D. City Council Approval Required. Any change in salary schedules, fringe benefits, or personnel rules and regulations must have approval of the city council.

E. Collective Bargaining. Any collective bargaining shall be conducted in accordance with the Illinois Labor Relations Act.

F. Management Rights. The city reserves the right to control matters of inherent managerial policy, including such areas of discretion or policy as the functions of the city, standards of services, its overall budget, its organizational structure, and selection of new employees, examination techniques, and direction of employees. (Ord. 1121 § 1 (part), 1993: prior code §§ 10-8-1--10-8-6)
2.68.220

Chapter 2.68.230 Promotions, transfers, demotions and lay-offs.

A. Promotions. Positions within the employment of the city shall be filled by promotion to the extent deemed appropriate by the city.

B. Transfers. Transfers from one position to another may be made as deemed appropriate by the city.

A transferred employee shall retain all pay and accrued benefits including vacation, sick leave and retirement.

C. Demotions. Demotions may be made as deemed appropriate by the city.

A demoted employee shall retain all accrued benefits including vacation, sick leave and

retirement.

D. Lay-Offs. Lay-offs may be made as deemed appropriate by the city.

The city shall provide ten days' notice of lay-off or in lieu thereof ten days' pay. (Ord. 1121 § 1 (part), 1993: prior code §§ 10-9-1--10-9-4)
2.68.230

Chapter 2.68.240 Voluntary separations.

An employee desiring to terminate the employment relationship with the city is urged to notify the city at least two weeks in advance of their intended termination. Such notice should be given in writing to the employee's department head. Proper notice allows the city sufficient time to calculate all accrued benefits and/or moneys to which the employee may be entitled. (Ord. 1121 § 1 (part), 1993: prior code § 10-10-1)
2.68.240

Chapter 2.68.250 Retirements.

An employee who plans to retire is urged to provide the city with a minimum of two months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner. (Ord. 1121 § 1 (part), 1993: prior code § 10-10-2)
2.68.250

Chapter 2.68.260 Involuntary separations.

Although the city hopes that its relationship with each employee is long-term and mutually rewarding, the city reserves the right to terminate the employment relationship as deemed appropriate. (Ord. 1121 § 1 (part), 1993: prior code § 10-10-3)
2.68.260

Chapter 2.68.270 Death of an employee.

Upon the death of an employee, the city will pay to the employee's estate all accrued salary and benefits which are due and payable under the city's personnel code for a deceased employee. (Ord. 1853 § 1, 2000: Ord. 1121 § 1 (part), 1993: prior code § 10-10-4)
2.68.270

Chapter 2.68.280 Return of city property.

An employee leaving the city's employment shall return all city property in the employee's possession. (Ord. 1121 § 1 (part), 1993: prior code § 10-10-5)
2.68.280

Chapter 2.68.290 Employee rights upon leaving.

An employee leaving the city's employment shall receive payment of all accrued salary and benefits. (Ord. 1121 § 1 (part), 1993: prior code § 10-10-6)
2.68.290

Chapter 2.68.300 Guidelines for appropriate conduct.

A. Statement of Principle. Each employee is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity. This not only involves sincere respect for the rights and feelings of others, but also demands that an employee refrain from any behavior that might be harmful to themselves, their co-workers, the city, and its citizens.

B. Inappropriate Conduct. Types of behavior and conduct that the city considers inappropriate include, but are not limited to, the following:

1. Falsifying employment or other city records;
2. Violating the city's nondiscrimination and/or sexual harassment policy;
3. Soliciting or accepting gratuities;
4. Excessive absenteeism or tardiness;
5. Excessive, unnecessary or unauthorized use of city supplies, particularly for personal purposes;
6. Reporting to work intoxicated or under the influence of nonprescribed drugs, and illegal manufacture, possession, use, sale, distribution or transportation of drugs;
7. Bringing or using alcoholic beverages on city property or using alcoholic beverages while engaged in city business off city premises, except where authorized;
8. Fighting or using obscene, abusive or threatening language or gestures;
9. Theft;
10. Unauthorized possession of firearms on city premises or while on city business;
11. Disregarding safety;
12. Insubordination;
13. Failing to maintain the confidentiality of city records or information.

C. Disciplinary Action. Should an employee's performance, work habits, attitude, conduct or demeanor become unsatisfactory in the judgment of the city, based on violations either of the above or of any other city policies, rules or regulations, the employee will be subject to disciplinary action, up to and including dismissal. (Ord. 1121 § 1 (part), 1993: prior code §§ 10-11-1--10-11-3)

2.68.300

Chapter 2.68.310 Dispute resolution procedure.

To build effective working relationships with city employees and to promote the efficient operation of the city, the following procedures are established for the resolution of disputes arising in the course of an employee's employment.

A. Step One. Discussion of the problem with the department head within five working days of the events giving rise to the dispute.

B. Step Two. If the problem is not resolved after discussion with the department head or if the employee believes discussion with the department head is inappropriate, the employee may present the dispute in writing to the chairman of the personnel committee within ten working days of the events giving rise to the dispute. The chairman will respond within five working days.

C. Step Three. If an employee is not satisfied with the chairman's decision, the employee may prepare a written summary and request that the matter be reviewed by the

personnel committee. A request to the personnel committee must be made in writing within five working days of the chairman's decision. The committee, after a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned, and a further investigation if necessary), will render its decision.

D. Step Four. An employee may appeal the decision of the personnel committee to the city council within five working days of receipt of the decision. The council shall take such action as it deems appropriate. The decision of the city council shall be final. (Ord. 1121 § 1 (part), 1993; prior code § 10-12-1)
2.68.310

Chapter 2.68.320 Holidays.

A. City-Observed Holidays. Each full-time employee shall receive the following holidays off, with compensation for eight hours at their regular rates of pay, except for the half day on Christmas Eve for which each employee shall receive four hours:

New Year's Day;

Presidents' Day,

Good Friday;

Memorial Day;

Independence Day;

Labor Day;

Veterans Day;

Thanksgiving Day;

Day After Thanksgiving

Christmas Day;

Christmas Eve, half day;

Personal Leave Day.

Holidays which fall on an employee's regularly scheduled day off may be taken at another time subject to the department head's approval.

The general policy shall be to celebrate a given holiday on Friday or Monday for holidays falling on a Saturday or Sunday, respectively.

B. **Holiday Pay Administration.** An employee who is assigned to work on an observed holiday shall be compensated at time and one-half their regular rate of pay for hours worked.

Holidays occurring during sick leave will not be counted as sick leave days.

(Ord. 1121 § 1 (part), 1993: prior code §§ 10-13-1--10-13-2)
2.68.320

(Ordinance No. 2765, Amended, 01/19/2010, Deleted Lincoln's Birthday Holiday and added Presidents' Day Holiday.; Ordinance No. 2514, Amended, 11/20/2006, Added "Day After Thanksgiving" Holiday)

Chapter 2.68.330 Vacation Benefits.

Vacation time off with pay is available to eligible active employees to provide opportunities for rest, relaxation, personal pursuits, or any other reason. All full-time and part-time employees are eligible to accrue vacation time commensurate with their hours worked. The City of Columbia has enacted this policy prior to January 1, 2024, thereby exempting the City from the Illinois Paid Leave for All Workers Act. The accrual and use of vacation time is intended to comply with all applicable laws, and this policy shall be interpreted to conform with said applicable law.

The City uses an accrual method for purposes of vacation time at a rate of at least one hour for every forty hours worked for eligible employees. Vacation will not be earned while on inactive employment status (including worker's compensation). For each full year of continuous employment, all full-time employees shall earn vacation leave on a weekly basis as follows (unless otherwise stipulated by collective bargaining agreement, or other agreement duly approved by the City Council):

For Employees Hired Prior to November 26, 2023:

<i>Accumulation Table (40-hour work week)</i>		
Years of Eligible Service	Weekly Hours Accrued	Maximum Accrual
New Hire - 4 years	1.54	80 hours
5 - 9 years	2.31	120 hours
10 - 14 years	3.08	160 hours
15 - 24 years	3.85	200 hours
25 and over	4.62	240 hours

Part-Time vacation eligibility will be based on the foregoing schedule, and shall be determined by the following formula: $[(\text{Actual Hours Worked} / 40) \times \text{Weekly Hours Accrued Rate}]$

For Employees Hired After November 26, 2023:

<i>Accumulation Table (40-hour work week)</i>		
Years of Eligible Service	Weekly Hours Accrued	Maximum Accrual
New Hire - 7 years	1.54	80 hours
8 - 14 years	2.31	120 hours
15 - 21 years	3.08	160 hours
22 and over	3.85	200 hours

Part-Time vacation eligibility will be based on the foregoing schedule, and vacation hours shall be accrued at a rate of 1 hour for every 40 hours worked, up to a maximum accumulation of 40 hours.

(Ordinance No. 3652, Repealed & Replaced, 11/20/2023)

Chapter 2.68.340 Rules Pertaining to Use and Accumulation of Vacation.

New hires will typically be ineligible to use vacation time until after 90 days of continuous employment. However, at the request of a Department Director, the City Administrator or his designee may approve a new hire to use vacation time prior to this 90-day period for exceptional circumstances.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation.

Paid vacation time may be used in minimum increments of one-quarter hour. To take vacation, employees should request approval at least 7 calendar days in advance of the desired date(s) of leave from their supervisors. If the need for vacation time is not foreseeable, employees must request approval as soon as it is practical after the employee is aware of the necessity of the leave. In some instances in which the use of vacation leave is not foreseeable, at the discretion of the Department Director, employees may be required to utilize sick time in accordance with the City of Columbia's sick time policy. Requests will be reviewed and may be denied based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, bonuses, or shift differentials.

Employees are expected to use vacation time regularly and once the maximum amount of accrual is reached (typically two years of accumulation), an employee will not continue to earn hours. Lost hours will not be replaced.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

Individuals subject to a collective bargaining agreement may have varying vacation provisions. In these instances, the terms of the collective bargaining agreement shall prevail.

(Ordinance No. 3652, Repealed & Replaced, 11/20/2023)

Chapter 2.68.350 Sick leave--General policies.

The city recognizes that inability to work because of illness or injury may cause economic hardship. The city also recognizes that an employee may require time off to secure necessary treatment for disabilities. For these reasons, the city provides paid sick days to eligible employees.

A full-time employee shall be allowed sick leave of up to eighty (80) hours annually. An eligible part-time employee shall be entitled to the same leave on a pro-rata basis.

(Ord. 1121 § 1 (part), 1993: prior code § 10-15-1)
2.68.350

Chapter 2.68.360 Rules pertaining to the use and accumulation of sick leave.

A. Accumulation. An employee may accumulate no more than two hundred forty (240) hours of sick leave.

B. Use. Sick leave shall be utilized for purposes with the general policies set forth in Section 2.68.350.

C. Use at Retirement. For all sick leave accumulated before March 1, 1993, an employee may elect to use it during the period immediately preceding the employee' s retirement at the employee' s hourly rate then in effect, or to receive a lump sum payment for accumulated sick leave which shall be calculated at the employee' s hourly rate then in effect.

For all sick leave accumulated after March 1, 1993, an employee may elect to use it during the period immediately preceding the employee' s retirement at the employee' s hourly rate that was in effect from time to time as each day of sick leave was accumulated, or to receive a lump sum payment for accumulated sick leave which shall be

calculated at the employee's hourly rate that was in effect from time to time as each day of sick leave was accumulated. (Ord. 1121 § 1 (part), 1993: prior code § 10-15-2) 2.68.360

Chapter 2.68.370 Jury duty.

The city recognizes the responsibility of an employee who is called to serve on jury duty. Therefore, the city will make up the difference between the amount of money received for jury duty and what the employee would have earned from the city.

To receive the difference, the employee must provide the city clerk with the court receipt, indicating dates served or called and compensation received.

An employee is expected to be at their city employment, whenever excused for a day (or any portion of a day) from jury service. (Ord. 1121 § 1 (part), 1993: prior code § 10-16-1) 2.68.370

Chapter 2.68.380 Military leave.

An employee who is inducted into or enlists in the Armed Forces of the United States, or who performs active or inactive duty with the Armed Forces while a member of a reserve component, will be granted a military leave of absence. An employee whose period of active service exceeds two weeks will not receive his salary during military leave. A reservist employee who is granted a leave of absence not exceeding two weeks to perform active duty for training will receive the employee's regular salary for the period of active duty less the amount of the employee's military pay, provided he has completed one year of service with the city. Such military leave not exceeding two weeks will be granted in addition to the employee's regular vacation, and, if the employee elects to take the employee's vacation and military leave of absence at the same time, he will receive the employee's vacation pay, and if eligible, the employee's regular salary less the amount of the military pay.

A member of the National Guard will also be paid when ordered to active duty for a period not exceeding two weeks. Likewise, such call-ups will not be charged against the employee's vacation leave.

A copy of orders shall be submitted to the personnel committee prior to departure and a verification of duty from the employee's commanding officer upon the employee's return. (Ord. 1121 § 1 (part), 1993: prior code § 10-16-2) 2.68.380

Chapter 2.68.390 Unpaid personal leave.

An unpaid leave of absence for a period not longer than sixty (60) days may be granted to an employee. Request for such leaves must be submitted in writing to the department head for approval at least ten working days in advance of the date leave is to commence, except in emergency situations. The request for the leave of absence shall state the reason for the leave and the exact dates on which the leave is to begin and end. Authorization or denial of the leave request shall be furnished to the

employee in writing by the city. An employee returning from such leave must provide the city with at least five working days' advance notification.

(Ord. 1121 § 1 (part), 1993: prior code § 10-16-4) 2.68.390

Chapter 2.68.395 Family and medical leave policy.

A. Purpose. To outline the conditions under which an employee may request time off without pay for a limited period with job protection and no loss of accumulated service if the employee returns to work pursuant to the Family and Medical Leave Act (FMLA).

B. Definition. A family or medical leave of absence is defined as an approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave during a twelve (12) month period under particular circumstances set forth in this policy. To determine the amount of FMLA leave to which an employee is entitled, the twelve (12) month period is measured on a rolling basis backward from the date that the employee uses any FMLA leave. In other words, any FMLA leave that was taken by the employee during the twelve (12) months preceding the date that the employee requests additional FMLA leave will be counted to determine the amount of FMLA leave remaining.

Leave may be taken:

1. On the birth of an employee' s child, provided the leave is concluded within twelve (12) months of the birth;
2. On the placement of a child for adoption or foster care with an employee, provided the leave is concluded within twelve (12) months of the placement;
3. To care for a child, spouse, or parent who has a serious health condition; or
4. For the employee' s own serious health condition that makes the employee unable to perform at least one essential function of the employee' s job.

C. Scope. This policy applies to all family and medical leaves of absence including leaves that are covered under paid employment benefit plans or policies for any part of the twelve (12) week leave to which the employee may be entitled under this policy. In other words, if an employee takes leave for a purpose covered by the FMLA, the employee must first exhaust any accrued vacation or personal time, plus, if the leave is for the employee' s serious health condition, any accrued sick leave. Once paid leave has been exhausted, further leave time taken under this policy will be unpaid. Paid leave taken for a purpose covered in this policy will be counted against the employee' s twelve (12) week annual FMLA allowance so that the use of available vacation, personal or applicable sick benefits will not increase the total amount of FMLA entitlement.

D. Eligibility. To be eligible for leave under this policy, an employee must have been employed here for at least twelve (12) months and must have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period preceding the beginning of the leave. In addition, the employee must work at a location at which there are at least fifty (50) employees within a seventy-five (75) mile radius.

E. Basic Regulations and Conditions of Leave.

1. Medical Certification. The city will require medical certification to support a claim for leave for an employee' s own serious health condition or to care for a seriously ill child, spouse, or parent. (A certification of health care provider form is available at the office of the city clerk.) The city may require a second medical opinion at its own expense. If the first and second opinions differ, the city may require the binding opinion of a third health care provider, approved jointly by the city and the employee and paid for by the city. The city may require periodic recertification, and if the leave is for the employee' s own serious health condition, may also require certification of the employee' s ability to return to work.

Medical certification forms may be obtained from the city. It is the responsibility of the employee to ensure that the health care provider completes the form and that it is returned to the city in a timely manner.

2. Intermittent or Reduced Leave. Leave may be taken on an intermittent or reduced-leave schedule if it is medically necessary for a serious health condition of the employee or his or her spouse, child, or parent. If leave is requested on this basis, however, the city may require the employee to transfer temporarily to a part-time schedule or an alternative position that better accommodates recurring absences. The alternative position will have equivalent pay and benefits.

3. Spouses Combined Leave. Spouses who are both employed by the city are entitled to a joint total of twelve (12) weeks' leave (rather than twelve (12) weeks each) for the birth or placement for adoption or foster care of a child or for the care of a sick parent. For any other qualifying FMLA reason, each spouse will be entitled to the full twelve (12) weeks of FMLA leave, or that portion of leave remaining in the relevant twelve (12) month period.

F. Notification and Reporting Requirements. When the need for leave is foreseeable, such as the birth of a child, the placement for adoption or foster care of a child, or planned medical treatment, the employee must provide thirty (30) days' advance notice and make an effort to schedule leave so that it does not unduly disrupt city operations. When the need for leave is not foreseeable, the employee must provide notice as soon as practicable upon learning of the need for leave. Employees who are ill will be required to report periodically on their status and their intention to return to work.

G. Status of Employee Benefits During Leave of Absence.

1. Health insurance. Group health care coverage will continue for employees on leave as if they were still working. Employees who are granted an approved leave of absence under this policy are advised to arrange to pay their share of premiums during the absence. If the leave is paid, premiums will continue to be paid through payroll deductions. If the leave is unpaid, employees are responsible for making sure the city receives premium payments by the normal payroll dates. The office of the city clerk will provide a schedule of payment amounts and due dates at the beginning of any unpaid leave of absence.

2. Recovery of Premiums. If an employee chooses not to return to work, or does not stay at work, for at least thirty (30) days upon return (for reasons other than retirement), after an approved absence under this policy, the city may recover from the employee the cost of any payments made to maintain the employee's health insurance during the leave, unless the failure to return is because of a serious health condition or reasons beyond the employee's control. Benefit entitlements based on length of service will be calculated as of the last paid work day before the start of the unpaid absence.

H. Procedures.

1. Request Form. A request for family and medical leave of absence form must be filled out in duplicate by the employee. This form must be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approvals, and forwarded to the office of the city clerk (a "request for family and medical leave of absence" form is available at the office of the city clerk). If possible, the form should be submitted thirty (30) days before the effective date of the leave.

I. Job Restoration. Upon return from leave taken under this policy, the employee will be restored to his or her original job, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

Exception. If an employee on leave is salaried and among the highest ten (10) percent of city employees within seventy-five (75) surface miles, and keeping the job open for the employee would result in substantial and grievous economic injury to the city, the employee can be denied job restoration after leave. In this situation, however, the employee will be given an opportunity to return to work during leave.

J. Nondiscrimination, nonretaliation. An employee's exercise of his or her rights under the FMLA will not negatively affect the employee's employment or the terms and conditions of employment. However, employees will not be entitled to any benefits or favorable treatment because of the exercise of rights under the FMLA, but rather will receive the same treatment he or she would otherwise have received.

The city will not interfere with, restrain or deny the exercise of any right provided by the FMLA, nor will it retaliate against any employee for opposing any practice, or because of involvement in any proceeding, related to the FMLA.

K. Effect of Labor Agreement. All family and medical leave will be governed by the provisions of this policy unless modified by an applicable labor agreement. (Ord. 1922 § 1, 2001)
2.68.395

Chapter 2.68.400 Funeral leave.

When death occurs to an employee's legal spouse, mother, father, brother, sister, child, an employee upon request, will be excused and paid for up to a maximum of three days, or one day for grandparents, mother-in-law, or father-in-law, sister-in-law or brother-in-law for funeral leave.

(Ord. 1121 § 1 (part), 1993: prior code § 10-16-5) 2.68.400

Chapter 2.68.410 Workmen's compensation.

An employee injured in the course of employment is entitled to benefits under the Workmen's Compensation Act. In order to receive these benefits, an injured employee is required to report the injury without delay to their department head and file a report of injury through the city clerk's office for workmen's compensation benefits. In addition, an employee may be entitled to pension and disability benefits. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-1)
2.68.410

Chapter 2.68.420 Pension and disability.

The city provides pension and disability benefits pursuant to the Illinois Municipal Retirement Fund. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-2)
2.68.420

Chapter 2.68.430 Hospital/medical insurance.

The city provides each full-time employee and the employee's family the right to participate in a group hospitalization program.

(Ord. 1121 § 1 (part), 1993: prior code § 10-17-3) 2.68.430

Chapter 2.68.440 Life insurance on full-time employees.

The city provides term life insurance to each full-time employee as shall be determined from time to time, under the regular pay resolutions of the city. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-4)

Chapter 2.68.450 Vision care on full-time employees.

The city provides a vision care plan for each full-

time employee and the employee's family, the schedule of benefits to be determined from time to time under the regular pay resolutions of the city. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-5)

2.68.450

Chapter 2.68.460 False arrest and civil liability insurance.

An insurance committee working with the chief of police, the ambulance director, and the city attorney shall be established for the purpose of obtaining adequate insurance to protect the city and members of the Columbia ambulance service and police department from civil suits stemming from actions taken by members of the Columbia ambulance service and police department while on duty.

The city shall provide insurance coverage, not to exceed one million dollars (\$1,000,000.00) in coverage on behalf of each E.M.T. or policeman, which the E.M.T. or the policeman shall become legally obligated to pay as damages because of bodily injury or property damage caused by an occurrence, if and only if the city also becomes legally obligated to pay the damages under the doctrine of respondent superior. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-6)

2.68.460

Chapter 2.68.470 Malpractice insurance.

The city shall provide malpractice insurance to protect both the city, individual firefighters, E.M.T.'s and policemen from malpractice claims that may arise while the firefighters, E.M.T.'s and policemen are serving as ambulance attendants or ambulance drivers.

The city shall provide insurance coverage, not to exceed one million dollars (\$1,000,000.00) in coverage on behalf of each E.M.T., firefighter or policeman, which the E.M.T., firefighter or policeman shall become legally obligated to pay as damages because of bodily injury or property damage caused by an occurrence if, and only if, the city also becomes legally obligated to pay said damages under the doctrine of respondent superior. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-7)

2.68.470

Chapter 2.68.480 Right to amend, modify or terminate benefits.

The city expressly reserves the right to amend, modify or terminate any and all benefits provided herein. (Ord. 1121 § 1 (part), 1993: prior code § 10-17-8)
2.68.480

Chapter 2.68.490 Uniforms.

The city will provide clothing, uniform and accessory allowances to designated employees. An employee so designated shall receive two hundred fifty dollars (\$250.00) annually (paid in two allotments, May 1st, and November 1st, of each year) for clothing and shoe allowance. (Ord. 1121 § 1 (part), 1993: prior code § 10-18-1)
2.68.490

Chapter 2.68.500 City property.

Each employee having custody of city property shall be responsible for its proper care, use and security. Damage or loss resulting from negligence may be chargeable to the employee. (Ord. 1121 § 1 (part), 1993: prior code § 10-18-2)
2.68.500

Chapter 2.68.510 Travel allowance.

An employee may request payment for travel, lodging and sundry expenses related to official city business. Application shall be made in advance and in writing to the employee's department head for approval by the city council. (Ord. 1121 § 1 (part), 1993: prior code § 10-18-3)
2.68.510

Chapter 2.68.520 Educational allowances.

The city will reimburse full tuition costs for any course of study at a recognized educational institution undertaken by any employee, if so directed by the employee's department head and approved by the city council, provided such course of study is job related and the employee completes the course with a passing grade.

The city will pay full tuition costs plus incidental costs of room and board in an amount previously arranged, for intensive job-related courses of study, seminars or symposia, attended by any full-time employee or regular part-time employee, if so directed by the employee's department head and approved by the city council.

Upon completion of the requirements for:

- A. An associate's degree; or
- B. Bachelor of arts degree or bachelor of science degree;

the employee shall be automatically entitled to a one-time one percent salary increase. (Ord. 1121 § 1 (part), 1993: prior code § 10-18-4)
2.68.520

Chapter 2.68.530 Temporary job assignments.

When an employee assumes responsibility for a salaried position, which is temporarily vacant, that employee may receive additional compensation for that additional responsibility as determined by the city council. (Ord. 1121 § 1 (part), 1993: prior code § 10-19-1)

2.68.530

Chapter 2.68.540 Overtime.

All time worked in excess of forty (40) hours per week will be paid at the rate of time and one-half an employee's regular rate of pay. (Ord. 1121 § 1 (part), 1993: prior code § 10-19-2)

2.68.540

Chapter 2.68.550 Pay days.

All employees are paid by check every two weeks on Friday for the pay period ending the previous Saturday. Time sheets shall be approved by each department head, and turned into the clerk's office by Tuesday of the week in which the pay day occurs. (Ord. 1121 § 1 (part), 1993: prior code § 10-19-3)

2.68.550

Chapter 2.68.560 Employee safety--General provisions.

The city considers the safety of each employee and citizen to be of paramount importance. The city expects each employee to obey established safety rules and to wear such safety apparel as may be required for safety. (Ord. 1121 § 1 (part), 1993: prior code § 10-20-1)

2.68.560

Chapter 2.68.570 City-owned vehicles.

City-owned vehicles shall be used only for official city business.

The use of city-owned vehicles for transportation to and from work is prohibited except for police officers who are assigned a specific police car for patrol duty. A public works department employee is allowed the use of a city-owned vehicle for transportation to and from work only while on weekend duty. (Ord. 1121 § 1 (part), 1993: prior code § 10-20-2)

2.68.570

Chapter 2.68.575 Prohibition of operating city-owned vehicles or motorized equipment.

Any employee who is required to operate a city-owned vehicle or motorized equipment as part of his or her job responsibilities shall be discharged if he or she has been convicted of driving under the influence of alcohol and/or drugs. An individual who has applied for a position that requires the operation of a city-owned vehicle or motorized equipment as part of the position's job responsibilities will be disqualified from obtaining employment if he or she has been convicted of driving under the influence of alcohol and/or drugs within five (5) years prior to application or has at least two (2) convictions for driving under the influence of alcohol and/or drugs.

(Ordinance No. 3164, Added, 02/02/2015, Chapter 2.68.575 Prohibition of operating city-owned vehicles or motorized equipment.)

Chapter 2.68.580 Reporting of accidents.

COLUMBIA MUNICIPAL CODE

Any employee injured while on the job must complete and turn in an accident report form to the city clerk and to their department head within twenty-four (24) hours of the incident.

In cases where the employee is incapable of doing so, it shall be the responsibility of the employee's department head to fill out a preliminary report. (Ord. 1121 § 1 (part), 1993: prior code § 10-20-3)

2.68.580

Chapter 2.68.590 Conformity with law.

This code shall be construed in accordance with all applicable federal, state and local laws. Any provision of this code to the contrary shall be null and void. (Ord. 1121 § 1 (part), 1993: prior code § 10-22)

Section 2.70

**CODE IMPLEMENTING THE STATE OFFICIALS AND EMPLOYEES ETHICS
ACT**

Chapters:

2.70.010 Adoption of State Officials and Employees Ethics Act.

2.70.020 Solicitation or acceptance of gifts prohibited.

2.70.030 Prohibited giving.

2.70.040 Prohibited political activities.

2.70.050 Officer and employee defined.

2.70.060 Penalties.

2.70.070 Repealer.

2.70.080 Act amendments.

2.70.090 Future declaration of unconstitutionality of Act.

Chapter 2.70.010 Adoption of State Officials and Employees Ethics Act.

The regulations of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1, et. seq., (hereinafter referred to as the "Act" in this code) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5.

(2.70.010 (Ord. 2258), Amended, 05/03/2004, Amended Section.)

Chapter 2.70.020 Solicitation or acceptance of gifts prohibited.

The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.

(2.70.020 (Ord. 2258), Amended, 05/03/2004, Amended Section.)

Chapter 2.70.030 Prohibited giving.

The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.

(2.70.030 (Ord. 2258), Amended, 05/03/2004, Amended Section.)

Chapter 2.70.040 Prohibited political activities.

The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.

(2.70.040 (Ord. 2258), Amended, 05/03/2004, Amended Section.)

Chapter 2.70.050 Officer and employee defined.

For purposes of this code, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

(2.70.050 (Ord. 2258), Amended, 05/03/2004, Amended Section.)

Chapter 2.70.060 Penalties.

The penalties for violations of this code shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
(2.70.060 (Ord. 2258), Added, 05/03/2004, Added New Section.)

Chapter 2.70.070 Repealer.

This code does not repeal or otherwise amend or modify any existing ordinances or policies of the City which regulate the conduct of City officers and employees except Chapter 2.70 (State Gift Ban Act) as it existed prior to the enactment of this code, which is repealed and replaced by this code. To the extent that any such existing ordinances or policies are less restrictive than this code, however, the provisions of this code shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
(2.70.070 (Ord. 2258), Added, 05/03/2004, Added New Section.)

Chapter 2.70.080 Act amendments.

Any amendment to the Act that becomes effective after the effective date of this code shall be incorporated into this code by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this code by reference without formal action by the corporate authorities of the City.
(2.70.080 (Ord. 2258), Added, 05/03/2004, Added New Section.)

Chapter 2.70.090 Future declaration of unconstitutionality of Act.

A. If the Illinois Supreme Court declares the act unconstitutional in its entirety, then this code shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This code shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

B. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this code shall remain in full force and effect; however, that part of this code relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.
(2.70.090 (Ord. 2258), Added, 05/03/2004, Added New Section.)

Title 3

REVENUE AND FINANCE

Chapters:

3.04	FISCAL PROVISIONS GENERALLY
3.08	OFFICIAL DEPOSITORIES
3.10	LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES
3.12	MUNICIPAL RETAILERS' OCCUPATION TAX
3.14	Municipal Cannabis Retailers' Occupation Tax.
3.16	MUNICIPAL SERVICE OCCUPATION TAX
3.20	MUNICIPAL USE TAX
3.24	MUNICIPAL UTILITY TAX
3.28	MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX
3.32	MUNICIPAL AUTOMOBILE RENTING USE TAX
3.36	REPLACEMENT VEHICLE TAX
3.40	LIBRARY TAX
3.44	IDENTITY THEFT PREVENTION PROGRAM

Chapter 3.04

FISCAL PROVISIONS GENERALLY

Sections:

3.04.010 Claim presentation.

3.04.020 Claim exception.

3.04.030 Fiscal year.

3.04.040 Audit.

Section 3.04.010 Claim presentation.

All claims against the city for goods purchased, damages, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, must be presented on or before the last Monday of each month to the city clerk. All such claims must be in writing and items shall be specified. (Prior code § 2-4-10)

Section 3.04.020 Claim exception.

This section does not prohibit the city council from passing on any claims not previously pre- sented to the city clerk if, in the opinion of the council, justice to the claimant requires it. (Prior code § 2-4-11)

Section 3.04.030 Fiscal year.

The fiscal and municipal year of the city shall commence on May 1st of each calendar year and shall end on April 30th of the next succeeding calendar year. (65 ILCS 5/1-1-2(5)). (Amended during 1997 codification: prior code § 2-4-12)

Section 3.04.040 Audit.

As soon as practicable at the close of each fiscal year, and no later than six months thereafter, there shall be an audit of all accounts of the city made by a competent person authorized to act as an auditor under the laws of Illinois to be designated by the city council. Copies of such audit report shall be filed with the city clerk and with the State Auditor of Public Accounts and in such other places as may be required by Illinois Statutes. (Prior code § 2-7-12)

Chapter 3.08**OFFICIAL DEPOSITORIES****Sections:**

- 3.08.010 Banks.**
- 3.08.020 Savings and loan association.**
- 3.08.030 Illinois Public Treasurer' s Investment Pool.**
- 3.08.040 Designation of new depositories.**
- 3.08.050 Maximum deposits.**
- 3.08.060 Sworn statements of financial condition.**
- 3.08.070 Amount of funds.**

Section 3.08.010 Banks.

The official depositories of the city are Magna Bank N.A., a National Bank Association, a National Bank Corporation, First Financial Bank FSB, a Federal Savings and Loan Association, and the Illinois Public Treasurer' s Investment Pool ("IPTIP") as designated depositories for city funds and revenues. (65 ILCS 5/3.1-35-80). (Amended during 1997 codification: Ord. 813 § 1 (part), 1990: prior code § 2-7-13(A))

Section 3.08.020 Savings and loan association.

The First Financial Bank, a Financial Savings Bank, which is chartered in Stevens Point, Wisconsin, and which was formerly known as the Illini Federal Savings and Loan Association, and its successors, which has a place of business located in the city, is designated as a depository for city funds and revenues pursuant to Chapter 24, Section 3-10-3, Chapter 102, Section 34 and Chapter 85, Section 906 of the Illinois Revised Statutes. The city treasurer may require such savings and loan association to deposit securities guaranteed by agencies and instrumentalities of the federal government equal in market value to the amount by which the funds deposited exceed the Federally insured amount, pursuant to Chapter 102, Section 34 of the Illinois Revised Statutes. (Ord. 813 § 1 (part), 1990: prior code § 2-7-13(B))

Section 3.08.030 Illinois Public Treasurer' s Investment Pool.

The Illinois Public Treasurer' s Investment Pool, or its legally authorized successor or successors from time to time in existence, is designated as an official depository for city funds and revenues, as authorized by Section 2 of an Act relating to certain investments of public funds by public agencies, (Ill. Rev. Stat., Ch. 85, Para. 902). (Ord. 813 § 2, 1990: prior code § 2-7-13(C))

Section 3.08.040 Designation of new depositories.

A regularly organized State or National Bank designated as a depository for the city funds and revenues shall continue as such depository until ten days have elapsed after a new depository is designated and has qualified by furnishing the statement of resources and liabilities required by Section 3-0-3 of the Municipal Code of the state of Illinois. When a new depository

is designated, the city council shall notify the sureties of the city treasurer of that fact, in writing at least five days before the transfer of funds to the new depository. (Prior code § 2-7-13(D))

Section 3.08.050 Maximum deposits.

The treasurer shall be discharged from all responsibility for all funds or moneys that he deposits in a designated bank or the designated savings and loan association while the funds and moneys are so deposited; provided, that he shall not be discharged from responsibility for any funds or moneys deposited in a bank if the amount of such deposit exceeds seventy-five (75) percent of the capital stock and surplus of the bank or if any amounts of the deposits in the savings and loan association are not insured by the Federal Savings and Loan Insurance Corporation. (Prior code § 2-7-13(E))

Section 3.08.060 Sworn statements of financial condition.

No bank shall be qualified to be designated a depository of moneys unless it has furnished the city with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Trust Companies of the state of Illinois or to the Comptroller of Currency, and each bank so designated as a depository of moneys, while acting as such depository, shall furnish the city with copies of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Trust Companies or to the Comptroller of Currency. (Prior code § 2-7-13(F))

Section 3.08.070 Amount of funds.

The city council, from time to time, by motion, resolution or ordinance, as provided by law, determine the amount to be deposited with each depository and the savings and loan association and prescribe rules and regulations to govern the city treasurer in the making of deposits of city funds and revenues. (Prior code § 2-7-13(G))

Chapter 3.10

LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES

Sections:

3.10.010	Title.
3.10.020	Scope.
3.10.030	Definitions.
3.10.040	Notices.
3.10.050	Late payment.
3.10.060	Payment.
3.10.070	Certain credits and refunds.
3.10.080	Audit procedure.
3.10.090	Appeal.
3.10.100	Hearing.
3.10.110	Interest and penalties.
3.10.120	Abatement.
3.10.130	Installment contracts.
3.10.140	Statute of limitations.
3.10.150	Voluntary disclosure.
3.10.160	Publication of tax ordinances.
3.10.170	Internal review procedure.
3.10.180	Application.

Section 3.10.010 Title.

This chapter shall be known as, and may be cited as, the "locally imposed and administered tax rights and responsibility chapter." (Ord. 1904 § 1, 2001)

Section 3.10.020 Scope.

The provisions of this chapter shall apply to the city's procedures in connection with all of the city's locally imposed and administered taxes. (Ord. 1904 § 2, 2001)

Section 3.10.030 Definitions.

Certain words or terms herein shall have the meaning ascribed to them as follows:

"Act" means the "Local Government Taxpayers' Bill of Rights Act."

"City" means the city of Columbia, Illinois.

"Corporate authorities" means the Columbia city council.

"Locally imposed and administered tax" or "tax" means each tax imposed by the city that is collected or administered by the city not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the city other than infrastructure maintenance fees.

Local Tax Administrator. The city's treasurer is charged with the administration and collection of the locally imposed and administered taxes, (including staff employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's

stead). The local tax administrator shall have the authority to implement the terms of this chapter to give full effect to this chapter. The exercise of such authority by the local tax administrator shall not be inconsistent with this chapter and the Act.

"Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

"Tax ordinance" means each ordinance adopted by the city that imposes any locally imposed and administered tax.

"Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city. (Ord. 1904 § 3, 2001)

Section 3.10.040 Notices.

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- A. First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address; or
- B. Personal service or delivery. (Ord. 1904 § 4, 2001)

Section 3.10.050 Late payment.

Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the city on or before the due date, or (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid. (Ord. 1904 § 5, 2001)

Section 3.10.060 Payment.

Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period. (Ord. 1904 § 6, 2001)

Section 3.10.070 Certain credits and refunds.

A. The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

B. The statute of limitations on a claim for credit or refund shall be two years after the end of the calendar year in which payment in error was made. The city shall not grant a credit

or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the city.

C. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

1. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

- a. The name of the locally imposed and administered tax subject to the claim,
- b. The tax period for the locally imposed and administered tax subject to the claim,
- c. The date of the tax payment subject to the claim and the canceled check or receipt for the payment,
- d. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim, and

e. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, (as applicable) related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the city;

2. Within ten days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

- a. Grant the claim, or
- b. Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial;

3. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of nine percent per annum, based on a year of three hundred sixty-five (365) days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit. (Ord. 1904 § 7, 2001)

Section 3.10.080 Audit procedure.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this chapter.

A. Each notice of audit shall contain the following information:

- 1. The tax;
- 2. The time period of the audit; and
- 3. A brief description of the books and records to be made available for the auditor.

B. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.

C. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days nor more than thirty (30) days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

D. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the city.

E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the city. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

F. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to within thirty (30) days of the city's determination of the amount of overpayment.

G. In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax. (Ord. 1904 § 8, 2001)

Section 3.10.090 Appeal.

A. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

1. The reason for the assessment;
2. The amount of the tax liability proposed;
3. The procedure for appealing the assessment; and
4. The obligations of the city during the audit, appeal, refund and collection process.

B. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the tax determination and assessment.

C. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

D. If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

E. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued from the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than ninety (90) days after the expiration of the forty-five (45) day period. (Ord. 1904 § 9, 2001)

Section 3.10.100 Hearing.

A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 3.10.090 the local tax administrator shall conduct a hearing regarding any appeal.

B. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be

grounds for a continuance. Any continuance granted shall not exceed thirty (30) days.

C. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

D. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision. (Ord. 1904 § 10, 2001)

Section 3.10.110 Interest and penalties.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

A. The city provides for the amount of interest to be assessed on a late payment, underpayment or nonpayment of the tax, to be nine percent per annum, based on a year of three hundred sixty-five (365) days and the number of days elapsed.

B. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of five percent of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the city issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five (25) percent of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance. (Ord. 1904 § 11, 2001)

Section 3.10.120 Abatement.

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing. (Ord. 1904 § 12, 2001)

Section 3.10.130 Installment contracts.

The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer. (Ord. 1904 § 13, 2001)

Section 3.10.140 Statute of limitations.

The city, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have

forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or pay any tax still due and owing.

A. No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

B. If any tax return is not filed or if during any four year period for which a notice of tax determination or assessment may be issued by the city, the tax paid was less than seventy-five (75) percent of the tax due, the statute of limitations shall be six years maximum after the end of the calendar year in which return for the applicable period was due or the end of the calendar year in which the return for the applicable period was filed.

C. No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer. (Ord. 1904 § 14, 2001)

Section 3.10.150 Voluntary disclosure.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent per month, for all periods prior to the filing of the application but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer. (Ord. 1904 § 15, 2001)

Section 3.10.160 Publication of tax ordinances.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the city clerk's office. (Ord. 1904 § 16, 2001)

Section 3.10.170 Internal review procedure.

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

A. Timely remove the lien at the city's expense;

- B. Correct the taxpayer's credit record; and
- C. Correct any public disclosure of the improperly imposed lien. (Ord. 1904 § 17, 2001)

Section 3.10.180 Application.

This chapter shall be liberally construed and administered to supplement all of the city's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this chapter, this chapter shall be controlling. (Ord. 1904 § 18, 2001)

Chapter 3.12

MUNICIPAL RETAILERS' OCCUPATION TAX

Sections:

3.12.010 Imposed.

3.12.020 Report.

3.12.030 Payment to state.

Section 3.12.010 Imposed.

A tax is imposed upon all persons engaged in the business of selling tangible property at retail, including machinery and equipment, in the city at the rate of one-half of one percent of the gross receipts from such sales made in the course of such business while this chapter is in effect, in accordance with the provisions of Chapter 24, paragraph 8-11-1 of the Illinois Revised Statutes. (Ord. 458 § 1, 1980: prior code § 36-1-1)

Section 3.12.020 Report.

Every such person engaged in such business in the city shall file on or before the last day of each calendar month, the report to the State Department of Revenue, required by Paragraph 442 of Chapter 120 of the Illinois Revised Statutes, and as amended and approved on June 30, 1961; and shall file a duplicate of such report with the city clerk. (Prior code § 36-1-2)

Section 3.12.030 Payment to state.

At the time such report is filed there shall be paid to the State Department of Revenue the amount of tax imposed on account of the receipts from sales of tangible personal property during the preceding month. (Prior code § 36-1-3)

Chapter 3.14

Municipal Cannabis Retailers' Occupation Tax.

Sections:

3.14.010 Tax imposed; Rate.

3.14.020 Collection of tax by retailers.

Section 3.14.010 Tax imposed; Rate.

(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the City at the rate of 3% of the gross receipts from these sales made in the course of that business.

(b) The imposition of this tax is in accordance with the provisions of Sections 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

(Ord No. 3479, Added, 10/21/2019)

Section 3.14.020 Collection of tax by retailers.

(a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue ("Department"). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

(Ord. No. 3479, Added, 10/21/2019)

Chapter 3.16

MUNICIPAL SERVICE OCCUPATION TAX

Sections:

3.16.010 Imposed.

3.16.020 Account.

3.16.030 Payment to state.

Section 3.16.010 Imposed.

A tax is imposed upon all persons engaged in the city in the business of making sales of service, including machinery and equipment, at the rate of one-half of one percent of the cost price of all tangible personal property transferred by the servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of the Illinois Revised Statutes. (Ord. 458 § 2, 1980: prior code § 36-3-1)

Section 3.16.020 Account.

Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this city shall file on or before the last day of each calendar month, the report to the State Department of Revenue. (Prior code § 36-3-2)

Section 3.16.030 Payment to state.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed. (Prior code § 36-3-3)

Chapter 3.20

MUNICIPAL USE TAX

Sections:

3.20.010 Imposed.

3.20.020 Report.

Section 3.20.010 Imposed.

A tax is imposed in accordance with provisions of Section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one percent of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955. (Prior code § 36-2-1)

Section 3.20.020 Report.

The aforesaid tax shall be collected by the Illinois Department of Revenue and it shall be paid before the title or certificate of registration for the personal property is issued. (Prior code § 36-2-2)

Chapter 3.24

MUNICIPAL UTILITY TAX

Sections:

3.24.010	Imposed. AMENDED BY ORD. 3221 ON 12/07/2015	
3.24.020	Exemptions.	
3.24.030	Additional Taxes	Chapter
	provisions not exclusive. AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015	
3.24.040	Definitions.	NO SECTION 3.24.040 - AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015
3.24.050	Tax to be based on gross receipts.	NO SECTION 3.24.050 - AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015
3.24.060	Tax Imposed	Returns--Contents--
	Payment of tax. AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015.	
3.24.070	Collection	Errors.
	AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015	
3.24.080	Reports to Municipality	Violation--Penalty
	AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015	
3.24.089A	PER ORDINANCE NO. 3221 ON 12/07/2015 - DELETE THIS SECTION IN ITS ENTIRETY.	Article II. Municipal Utility
	Excise Tax on Electric Service Providers Applicable Under Illinois Public Act 90-56124.080	
3.24.090	Credit for Overpayment	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Tax imposed.	
3.24.100	Penalty	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Exceptions.	
3.24.110	RESERVED	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Additional taxes.	
3.24.120	RESERVED	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Collection.	
3.24.130	RESERVED	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Reports to municipality.	
3.24.140	RESERVED	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Credit for overpayment.	
3.24.150	RESERVED	AMENDED BY
	ORDINANCE NO. 3221 ON 12/07/2015 Penalty.	

Section 3.24.010 Imposed. AMENDED BY ORD. 3221 ON 12/07/2015

3.24.010 IMPOSED - AMENDED BY ORD. 3221 ON 12/07/2015

A tax is imposed on all persons engaged in the following occupations and privileges:

A. Persons engaged in the business of transmitting messages by means of electricity, at the rate of five percent of the gross receipts from such business originating within the corporate limits of the city; and

B. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the city and not for resale, at the rate of five percent of the gross receipts therefrom; and

C. Persons engaged in the business of distributing, supplying, furnishing or

selling electricity for use or consumption within the corporate limits of the city and not for resale, at the rate of five percent of the gross receipts therefrom.

At such time as the indebtedness incurred by the city to renovate or replace city buildings in order to bring the same into compliance with the Federal Americans With Disabilities Act, the tax rate in this section of this ordinance established shall be automatically reduced from five percent to four percent, pursuant to this chapter. (Ord. 1074 § 1, 1992: Ord. 472 § 1, 1981)

Section 3.24.020 Exemptions.

None of the taxes authorized by this Chapter may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the occupation or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof, nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting electricity, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this chapter for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1 of the Illinois Municipal Code; nor shall any tax authorized by this chapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the City or exercising the same privilege within the City.

Any and all accounts of the City of Columbia shall be exempt from the taxes imposed by this Chapter.

3.24.020 EXEMPTIONS - AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

No tax is imposed by this chapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this chapter for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by Section 8-11-1 of the Illinois Municipal Code approved May 29, 1961, as amended (Ill. Rev. Stat. (1979), Ch. 24, Sec. 8-11-1). (Ord. 472 § 2, 1981)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 34 - Municipal Utility Tax.)

Section 3.24.030 Additional Taxes Chapter
provisions not exclusive. AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

Such taxes in this Chapter shall be in addition to other taxes levied upon the taxpayer or the business.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015.

The taxes enumerated in this chapter shall be in addition to the payment of money, or value of products or services furnished to the city by taxpayers as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business. (Ord. 472 § 3, 1981)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax.)

Section 3.24.040 Definitions. NO SECTION 3.24.040 - AMENDED BY
ORDINANCE NO. 3221 ON 12/07/2015

NO SECTION 3.24.040 DEFINITIONS - AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

For the purposes of the taxes enumerated in this chapter, the following definitions shall apply:

"Gross receipts" means the consideration received for the transmission of messages, the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling, electricity for use or consumption and not for resale; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting the messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Transmitting messages," in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages. (Ord. 472 § 4, 1981)

Section 3.24.050 Tax to be based on gross receipts. NO
SECTION 3.24.050 - AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

**NO SECTION 3.24.050 TAX TO BE BASED ON GROSS RECEIPTS - AMENDED
BY ORDINANCE NO. 3221 ON 12/07/2015.**

All ordinances, resolutions and orders, or any part thereof, in conflict herewith, shall be and same are hereby repealed and this ordinance shall be in full force and effect upon its passage and publication as provided by law. The tax provided for herein shall be based upon the gross receipts as herein defined, actually paid to the taxpayer for the services billed on or after the first day of September, 1981. (Ord. 478 § 1, 1981; Ord. 472 § 5, 1981)

Section 3.24.060 Tax Imposed Returns--
Contents--Payment of tax. AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015.

A. A tax is imposed on all persons to whom Public Act 90-561 applies, on the privilege of using or consuming electricity required in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser:

1. For the first two thousand (2,000) kilowatt-hours used or consumed in a month: \$0.4719 per kilowatt-hour;
2. For the next forty-eight thousand (48,000) kilowatt-hours used or consumed in a month: \$0.3748 per kilowatt-hour;
3. For the next fifty thousand (50,000) kilowatt-hours used or consumed in a month: \$0.3660 per kilowatt-hour;
4. For the next four hundred thousand (400,000) kilowatt-hours used or consumed in a month: \$0.3472 per kilowatt-hour;
5. For the next five hundred thousand (500,000) kilowatt-hours used or consumed in a month: \$0.3400 per kilowatt-hour;
6. For the next two million (2,000,000) kilowatt-hours used or consumed in a month: \$0.3200 per kilowatt-hour;
7. For the next two million (2,000,000) kilowatt-hours used

or consumed in a month: \$0.3150 per kilowatt-hour;

8. For the next five million (5,000,000) kilowatt-hours used or consumed in a month: \$0.3100 per kilowatt-hour;

9. For the next ten million (10,000,000) kilowatt-hours used or consumed in a month: \$0.3050 per kilowatt-hour;

10. For all electricity used or consumed in excess of twenty million (20,000,000) kilowatt-hours in a month: \$0.3000 per kilowatt-hour.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

On or before the last day of October, 1981, and so long as this chapter shall remain in full force and effect, each taxpayer shall make a return to the city treasurer, for the one-month period immediately preceding the month in which said return is due (i.e., the first return due on or before October 31st, will cover the period September 1st through September 30th; and so on for next succeeding monthly returns due thereafter). The returns shall state:

- A. The taxpayer's name;*
- B. The taxpayer's principal place of business;*
- C. The taxpayer's gross receipts during the one-month period upon the basis of which the tax is imposed;*
- D. Amount of tax due;*
- E. Such other reasonable and related information as the corporate authorities of the city, may require.*

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the city treasurer the amount of tax herein imposed; provided, that in connection with any return the taxpayer may, if the taxpayer so elects, report and pay an amount based upon the taxpayer's total billings for business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts. (Ord. 472 § 6, 1981)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax.)

Section 3.24.070

Collection

Errors.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

The tax authorized by this Chapter shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Chapter and any such tax collected by a person delivering electricity shall

constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to this Chapter.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against the tax due, or to become due, under this chapter from the taxpayer who made the erroneous payment; provided that, however, no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited. (Ord. 472 § 7, 1981)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax)

**Section 3.24.080 Reports to Municipality
AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015**

Violation--Penalty

For persons required to pay the tax directly to the City, on or before the last day of each month, each tax payer shall make a return to the City for the preceding month stating:

- A. His or her name;
- B. His or her principal place of business;
- C. His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;
- D. Amount of tax;

E. Such other reasonable and related information as the Corporate Authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City the amount of tax imposed; provided that in connection with any return, the taxpayer may, if he so elects, report any pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this chapter is guilty of a misdemeanor offense and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), and in addition thereto, shall be liable in a civil action for the amount of tax due.

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax.; Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Section 3.24.089A PER ORDINANCE NO. 3221 ON 12/07/2015 - DELETE THIS SECTION IN ITS ENTIRETY. Article II. Municipal Utility Excise Tax on Electric Service Providers Applicable Under Illinois Public Act 90-56124.080

**Section 3.24.090 Credit for Overpayment
AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015 Tax imposed.**

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Chapter shall be commenced more than three years after the due date of such amount.

AMENDED BY ORDINANCE NO. 3121 ON 12/07/2015

A. A tax is imposed on all persons to whom Public Act 90-561 applies, on the privilege of using or consuming electricity required in a purchase at retail and used or consumed within the corporate limits of the city of Columbia, Illinois (the "city" or "Columbia") at the following rates, calculated on a monthly basis for each purchaser:

- 1. For the first two thousand (2,000) kilowatt-hours used or consumed in a month: \$0.4719 per kilowatt-hour;*
- 2. For the next forty-eight thousand (48,000) kilowatt-hours used or consumed in a month: \$0.3748 per kilowatt-hour;*
- 3. For the next fifty thousand (50,000) kilowatt-hours used or consumed in a month: \$0.3660 per kilowatt-hour;*
- 4. For the next four hundred thousand (400,000) kilowatt-hours used or consumed in a month: \$0.3472 per kilowatt-hour;*
- 5. For the next five hundred thousand (500,000) kilowatt-hours used or consumed in a month: \$0.3400 per kilowatt-hour;*
- 6. For the next two million (2,000,000) kilowatt-hours used or consumed in a month: \$0.3200 per kilowatt-hour;*
- 7. For the next two million (2,000,000) kilowatt-hours used or consumed in a month: \$0.3150 per kilowatt-hour;*
- 8. For the next five million (5,000,000) kilowatt-hours used or consumed in a month: \$0.3100 per kilowatt-hour;*
- 9. For the next ten million (10,000,000) kilowatt-hours used or consumed in a month: \$0.3050 per kilowatt-hour;*
- 10. For all electricity used or consumed in excess of twenty million (20,000,000) kilowatt-hours in a month: \$0.3000 per kilowatt-hour.*

The tax rates set forth in the preceding table will be used at least through December 31, 2008, and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS Section 5/8-11-2 (as modified by Public Act 90-561).

B. Pursuant to 65 ILCS Section 5/8-11-2, the rates set forth in subsection (A) of this section shall be effective: (1) on August 1, 1998 for residential customers; and (2) on the earlier of (a) the last bill issued prior to December 31, 2000, or (b) the date of the first bill issued pursuant to 220 ILCS Section 5/16-104, for nonresidential customers.

The provisions of Section 3-1 shall not be effective until August 1, 1998. (Ord. 1679 § 1 (part), 1998)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax.)

Section 3.24.100 Penalty
BY ORDINANCE NO. 3221 ON 12/07/2015 Exceptions.

AMENDED

Any consumer who fails to make a return, or who makes a fraudulent return, or who willfully violates any provisions of this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), and, in addition, shall be liable in a civil action for the amount of tax due.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

None of the taxes authorized by this chapter may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting electricity, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this chapter for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this chapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the city, whether privately or municipally owned or operated, or exercising the same privilege within the city. (Ord. 1679 § 1 (part), 1998)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax.)

Section 3.24.110 RESERVED
BY ORDINANCE NO. 3221 ON 12/07/2015 Additional taxes.

AMENDED

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

Such tax shall be in addition to other taxes levied upon the taxpayer or its business. (Ord. 1679 § 1 (part), 1998)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax - THIS SECTION TO BE RESERVED.)

Section 3.24.120 RESERVED
BY ORDINANCE NO. 3221 ON 12/07/2015 Collection.

AMENDED

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015

The tax authorized by this chapter shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this chapter and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the city in the manner prescribed by the city. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the city the amount of the tax collected pursuant to this chapter. (Ord. 1679 § 1 (part), 1998)

(Ordinance No. 3221, Amended, 12/07/2015, Amended Chapter 3.24 - Municipal Utility Tax - SECTION 3.24.120 TO BE RESERVED.)

Section 3.24.130 RESERVED AMENDED
BY ORDINANCE NO. 3221 ON 12/07/2015 Reports to municipality.

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015 - SECTION 3.24.130 TO BE RESERVED

For persons required to pay the tax directly to the city, on or before the last day of each month, each taxpayer shall make a return to the city for the preceding month stating:

- A. His name;*
- B. His principal place of business;*
- C. His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;*
- D. Amount of tax;*
- E. Such other reasonable and related information as the corporate authorities*

AMENDED BY ORDINANCE NO. 3221 ON 12/07/2015 - SECTION 3.24.150 TO BE RESERVED

Any consumer who fails to make a return, or who makes a fraudulent return, or who willfully violates any provisions of Sections 3.24.090 through 3.24.150 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) in addition, shall be liable in a civil action for the amount of tax due.

(Ordinance No. 3221, Amended, 12/07/2015, Chapter 3.24 - Municipal Utility Tax - Section 3.24.150 to be reserved.; Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 3.28

MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX

Sections:

- 3.28.010 Imposed.**
- 3.28.020 Definitions.**
- 3.28.030 Collection and enforcement.**
- 3.28.040 Reimbursement procedure.**
- 3.28.050 Tax limitation.**

Section 3.28.010 Imposed.

There is imposed upon all persons engaged in the business of renting automobiles in the city, a municipal automobile renting occupation tax, at the rate of one percent of the gross receipts from such business. (Ord. 877 § 1, 1991)

Section 3.28.020 Definitions.

For the purpose of this chapter the terms "renting," "automobile," "person," "rentor," "rentee," "gross receipts" and "rental price" shall be as defined in the Section 1702 of the Illinois Automobile Renting Occupation and Use Tax Act, (Ill. Rev. Stat., Ch. 120, Sec. 1702, as amended), a copy of which is attached to the ordinance codified in this chapter as Exhibit A and by reference made part hereof. (Ord. 877 § 2, 1991)

Section 3.28.030 Collection and enforcement.

The tax imposed by this chapter and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois State Department of Revenue in accordance with the Illinois Municipal Automobile Renting Occupation Tax Act, Ill. Rev. Stat., Ch. 24, Sec. 8-11-7. (Ord. 877 § 3, 1991)

Section 3.28.040 Reimbursement procedure.

The persons subject to the tax imposed by this chapter may reimburse themselves for their tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with the state tax which sellers are required to collect under the Automobile Renting Occupation and Use Tax Act pursuant to such bracketed schedules as the Illinois Department of Revenue may prescribe, all as is provided in the Municipal Automobile Renting Occupation Tax Act, Ill. Rev. Stat., Ch. 24, Sec. 8-11-7. (Ord. 877 § 4, 1991)

Section 3.28.050 Tax limitation.

Nothing contained in this chapter shall be construed to authorize a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made

the subject of taxation by the state of Illinois. (Ord. 877 § 5, 1991)

Chapter 3.32

MUNICIPAL AUTOMOBILE RENTING USE TAX

Sections:

3.32.010 Imposed.

3.32.020 Collection and enforcement.

Section 3.32.010 Imposed.

There is imposed upon the privilege of using an automobile which is rented from a renter located outside the state of Illinois that is titled or registered with an agency of the state of Illinois and whose Illinois address for titling or registration purposes is given as being in the city, a municipal automobile renting occupation tax, at the rate of one percent of the rental price of such automobile. (Ord. 1280 § 1, 1994)

Section 3.32.020 Collection and enforcement.

The tax imposed by this chapter shall be collected and enforced by the State of Illinois Department of Revenue in accordance with the Illinois Municipal Automobile Renting Use Tax Act (65 ILCS 5/8-11-8). (Ord. 1280 § 2, 1994)

Chapter 3.36

REPLACEMENT VEHICLE TAX

Sections:

3.36.010 Imposed.

Section 3.36.010 Imposed.

There is imposed a replacement vehicle tax of fifty dollars (\$50.00) on any passenger car (as passenger car is defined in Section 1-157 of the Illinois Vehicle Code (Ill. Rev. Stat., Ch. 95 1/2, Para. 1-157), a copy of which is attached to the ordinance codified in this chapter as Exhibit A and by reference made a part hereof), purchased within the corporate limits of the city by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. (Ord. 933 § 1, 1991)

Chapter 3.40

LIBRARY TAX

Sections:

3.40.010 Imposed.

Section 3.40.010 Imposed.

For the purpose of construction and equipping an addition to the Columbia public library building and for maintenance, repair and alteration of the Columbia library building and equipment, there is levied a direct, continuing tax of .02 percent upon all taxable property within the city as annually equalized or assessed by the Illinois Department of Revenue, all in accordance with and pursuant to the provisions of Section 3-1 of the Illinois Local Library Act (Ill. Rev. Stat., Ch. 81, Para. 3-1), said tax to be in addition to all other taxes. (Ord. 716 § 1, 1988)

Chapter 3.44

IDENTITY THEFT PREVENTION PROGRAM

Sections:

- 3.44.010** **Short title.**
- 3.44.020** **Purpose.**
- 3.44.030** **Scope.**
- 3.44.040** **Sensitive information policy.**
- 3.44.050** **Additional identity theft prevention program.**
- 3.44.060** **Responding to red flags.**
- 3.44.070** **Periodic updates to plan.**
- 3.44.080** **Program administration.**

Section 3.44.010 **Short title.**

This chapter shall be known as the Identity Theft Prevention Program.
(Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Program.)

Section 3.44.020 **Purpose.**

The city adopts this sensitive information policy to help protect employees, customers, contractors and the city from damages related to the loss or misuse of sensitive information.

This program will:

1. Define sensitive information.
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the city in compliance with state and federal law regarding identity theft protection.

This program enables the city to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the city from fraudulent new accounts. The program will help the city:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

(Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program.)

Section 3.44.030 Scope.

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers employed by the city, including all personnel affiliated with third parties.

(Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program.)

Section 3.44.040 Sensitive information policy.

(1) Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

- A. Credit card information, including any of the following:
 - 1. Credit card number (in part or whole)
 - 2. Credit card expiration date
 - 3. Cardholder name
 - 4. Cardholder address
- B. Tax identification numbers, including:
 - 1. Social Security number
 - 2. Business identification number
 - 3. Employer identification numbers
- C. Payroll information, including, among other information:
 - 1. Paychecks
 - 2. Pay stubs
- D. Medical information for any employee or customer, including but not limited to:
 - 1. Doctor names and claims
 - 2. Insurance claims
 - 3. Prescriptions
 - 4. Any related personal medical information

E. Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

F. Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Illinois Freedom of Information Act and the city's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he or she should contact their supervisor. In the event that the city cannot resolve a conflict between this policy and the Illinois Freedom of Information Act, the city will contact the city attorney for advice regarding the resolution of the conflict.

(2) Hard Copy Distribution

Each employee and contract performing work for the city will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday and when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded, they will be immediately shredded using a city approved shredding device. Locked shred binds shall be labeled "*confidential paper shredding and recycling.*" Municipal records, however, may only be destroyed in accordance with the city's records retention policy.

(3) Electronic Distribution.

Each employee and contractor performing work for the city will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and sent only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to which it was originally addressed. Any use by other is strictly prohibited."

(Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program.)

Section 3.44.050 Additional identity theft prevention program.

A. Covered accounts.

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the city from identity theft, including financial, operational, compliance, reputation, or litigation risks.

B. Red flags.

The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications, or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in paragraph 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- * A recent and significant increase in the volume of inquiries;
- * An unusual number of recently established credit relationships;
- * A material change in the use of credit, especially with respect to recently established credit relationships; or
- * An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

C. Suspicious documents.

Suspicious documents shall include the following documents:

1. Documents provided for identification that appears to have been altered or forged.
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
4. Other information on the identification is not consistent with readily accessible information that is on file with the city, such as a signature card or a recent check.
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

D. Suspicious personal identifying information.

Suspicious personal identification information shall include the following:

1. Personal identifying information when that provided is inconsistent when compared against external information sources used by the city. For example:
 - * The address does not match any address in the consumer report;

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* The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or

* Personal identifying information provided by the customer is not consistent with the other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

2. Personal identifying information when that provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the city. For example, the address on an application is the same as the address provided on a fraudulent application

3. Personal identifying information when that provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the city. For example:

* The address on an application is fictitious, a mail drop, or a prison; or

* The phone number is invalid or is associated with a pager or answering service.

4. The SSN provided is the same as that submitted by other persons opening an account or other customers.

5. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

6. The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

7. Personal identifying information when that provided is not consistent with personal identifying information that is on file with the city.

8. When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

E. Unusual use of, or suspicious activity related to, the covered account.

Unusual use of or suspicious activity relating to, a covered account shall include the following:

1. Shortly following the notice of a change of address for a covered account, the city receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.

3. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

* Nonpayment when there is no history of late or missed payments;

* A material change in purchasing or usage patterns

4. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

6. The city is notified that the customer is not receiving paper account statements.

7. The city is notified of unauthorized charges or transactions in connection with a customer's covered account.

8. The city receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the city.

9. The city is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

(Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program.)

Section 3.44.060 Responding to red flags.

Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the city from damages and loss.

1. Once potentially fraudulent activity is detected, the employee shall gather all related documentation and write a description of the situation. The employee shall present this information to the designated authority for determination.

2. The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement authorities;
3. Determining the extent of liability of the city; and
4. Notifying the actual customer that fraud has been attempted.

(Ord. 2684, Added, 10/20/2008; Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program)

Section 3.44.070 Periodic updates to plan.

The following shall be done and performed with regard to updating the plan:

1. At periodic intervals established in the program, or as required by the city council, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

2. Periodic reviews will include an assessment of which accounts are covered by the program.

3. As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

4. Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the city and its customers.

(Ord. 2684, Added, 10/20/2008; Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program.)

Section 3.44.080 Program administration.

(A) Involvement of management.

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud

prevention programs, and its importance warrants the highest level of attention.

2. The Identity Theft Prevention Program is the responsibility of the city council. Approval of the initial plan must be appropriately documented and maintained.

3. Operational responsibility of the program is delegated to the City Accounting Manager.

(B) Staff training.

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the city or its customers.

2. The City Accounting Manager is responsible for ensuring identity theft training for all requisite employees and contractors.

3. Employees must receive annual training in all elements of this policy.

4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

(C) Oversight of service provider arrangements

1. It is the responsibility of the city to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

(Ord. 2684, Added, 10/20/2008; Ordinance No. 2684, Added, 10/20/2008, Added Identity Theft Prevention Program.)

Title 4

(RESERVED)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04	BUSINESS LICENSING AND REGULATION
5.08	SHORT-TERM RENTALS
5.12	FOREIGN FIRE INSURANCE COMPANIES
5.16	JUNK DEALERS
5.20	LIQUOR CODE
5.24	MASSAGE ESTABLISHMENTS, MASSEURS AND MASSEUSES
5.26	ADULT USE LICENSING AND REGULATION
5.28	OIL AND GAS WELLS
5.32	PEDDLERS
5.36	RAFFLES
5.40	SOLICITORS
5.44	YARD SALES
5.45	HOTEL AND MOTEL ACCOMMODATIONS TAX
5.50	MOBILE VENDING
5.54	Video Gaming Establishments

Chapter 5.04**BUSINESS LICENSING AND REGULATION****Sections:**

5.04.010	Purpose and Jurisdiction.
5.04.020	Definitions.
5.04.030	License Required.
5.04.040	Application.
5.04.050	Investigations and Inspections.
5.04.060	Issuance or Denial of License.
5.04.070	License Term; Expiration; Renewal.
5.04.080	Licenses Not Assignable; Unlawful Use.
5.04.090	License Fees.
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5.04.130	Hotels, Motels, and Rooming Houses.
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5.04.220	License to be Posted; Destruction; Removal of License.
5.04.230	Reserved.
5.04.240	Compliance with Ordinances and Statutes.
5.04.250	Enforcement.
5.04.260	Suspension and Revocation of License.
5.04.270	Penalty; Enforcement.
5.04.280	Tobacco Dealers.
5.04.290	Mobile Home Parks
Section 5.04.010	Purpose and Jurisdiction.

Because each business located in the City is a basic part of and affects the physical and economic well-being of the City, necessitating special services from the City in the form of health and police inspections and services, such businesses shall in all respects be in full compliance with the provisions hereinafter contained in this chapter. This chapter is designed to provide for the means whereby the City may render the necessary inspections and services to businesses in order to promote, protect, and safeguard the public safety, health, and welfare of the citizens of the City and to enable the maintenance of an accurate record of businesses located

and carrying on commercial activities or commerce within the City.

(5.04.010 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.020 Definitions.

The following words and phrases as used in this chapter shall have the following meaning, unless a different meaning is required by the context:

"Business" means any vocation, occupation, profession, enterprise, establishment, concern, or any other type of activity, together with all devices, machines, equipment, vehicles, and appurtenances used therein, as described in Title 18 of the City's Municipal Code, from time to time in effect, Title 18 being an ordinance establishing the fees and charges to be assessed for city services and business license fees to be assessed for the conduct and operation of businesses, occupations and professions in the City.

"Person" means any individual, firm, association, partnership, corporation, trust, or any other legal entity, except for such person or persons as may be organized as an Illinois not-for-profit corporation or governmental bodies properly organized under the law of the State of Illinois.

(5.04.020 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing & Regulation.)

Section 5.04.030 License Required.

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage any business, either by himself or itself, or through an agent, employee, or partner, without first having obtained a license for such business. A license is required when any person, by himself or through an agent, employee, or partner, is held forth as being engaged in the business, or if he solicits patronage therefor, actively or passively, or if he performs or attempts to perform any part of such business in the City.

If any business falls into more than one of the categories requiring a license under this chapter, a separate license shall be obtained for each

category.

A license shall not be required for any amusement, entertainment or exhibition given by residents or the City who are not engaged therein as a business for personal profit or gain and the proceeds of which are exclusively for the benefit of a charitable organization registered with the Illinois Attorney General pursuant to the Solicitation for Charity Act (225 ILCS 460/01.01, et seq.).

(5.040.030 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing & Regulation.)

Section 5.04.040 Application.

Applications for all licenses required by this chapter shall be made in writing to the City Clerk, except as may otherwise be provided by this chapter. If the applicant is an individual, the application shall contain the individual's name, date of birth, residential address, and residential telephone number. If the applicant is a partnership or other noncorporate business entity, the application shall contain the name, date of birth, residential address and residential telephone number of each partner, principal, or member thereof. If the applicant is a corporation, the application shall contain the name, date of birth, residential address, and residential telephone number of each principal officer and registered agent thereof. Each application shall also contain such information as may be prescribed by the City Clerk including, but not limited to:

- A. The license desired;
- B. The location to be used;
- C. The license period;
- D. The fee to be paid;
- E. The number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable; and
- F. Such additional information as may be needed for the evaluation of the application.

Forms for all licenses and applications therefor shall be prepared and kept on file by the City Clerk. Each license issued shall bear the signature of the Mayor and City Clerk, except as may otherwise be provided by this chapter.

(5.040.040 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.050 Investigations and Inspections.

Investigation of applicant: Upon the receipt of an application for a license, where an investigation is required by this chapter before the issuance of such license, or where an investigation shall be deemed reasonably necessary or appropriate, by a member of the corporate authority (including but not limited to the Mayor, the City Clerk, the City Police Chief, the City Health Officer, the Fire Chief, the City Building Commissioner or the City Code Administrator), the City Clerk shall refer the application to the appropriate official or officials for the conduct of such investigation(s) within forty-eight (48) hours of receiving the application. Such investigation shall be completed within ten (10) days after receiving such application, absent circumstances beyond the control of the investigating authority delaying the completion of the investigation.

If it shall appear to the City Clerk that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified by the City Clerk.

Inspection Officials: The Building Commissioner of the City, in consultation with the County Health Department, shall make or cause to be made inspections regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of the health of the public. The Building Commissioner shall make or cause to be made any inspections, which relate to compliance with the building code, zoning ordinance and other related regulations. Criminal record investigations shall be conducted by the Chief of Police. All other investigations, except where otherwise provided, shall be made by any officer, employee or agent designated by the Mayor.

Inspections; analyses: Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by this chapter or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the City or to detect violation thereof, it shall be the duty of the licensee or the person in charge

of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of the City who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the City requesting the same sufficient samples of such material or commodity.

In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in the City or refuse to issue a license to any owner or operator of a proposed business in the City who refuses to permit any duly authorized officer or employee to: (i) make such inspection, or (ii) take an adequate sample of said commodity or material, or (iii) who interferes with such officer or employee while in the performance of such duties. However, no license shall be denied or be subject to revocation for denial of inspection of property unless such City officer or employee has been refused permission to enter such premises in the name of the City after first having presented an administrative search warrant issued by a court of competent jurisdiction authorizing such entry.

In order to facilitate proper inspection in keeping with the provisions of this subsection, any official, sanitarian, inspector or other employee or person designated to make such inspections under the supervision of the County Health Department shall be considered to be an officer or official of the City for such purpose and for any purpose relative to the provision of this chapter but for no other purpose unless so designated by this chapter.

(5.04.050 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.060 Issuance or Denial of License.

If, after due consideration of the information contained within the application and the related investigative report, the Mayor determines that the applicant does not meet the standards set forth in this chapter, such license shall be denied. Thereupon, the City Clerk shall promptly notify the applicant that no license will be issued, indicating the reasons therefor.

If, after due consideration of the information contained within the application and the related investigative report, the Mayor determines that the applicant meets the standards set forth in this chapter, such license shall be granted and the City Clerk shall notify the applicant thereof.

(5.04.060 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.070 License Term; Expiration; Renewal.

Each license shall indicate its term. All annual licenses shall be operative, and the license year for the City shall commence, on the first day of May of each year. No license shall be granted for a period longer than one (1) year. Except where otherwise provided herein, every license shall expire on the 30th day of April following the date of issuance.

The City Clerk shall notify all licensees of the City of the time of expiration of the license held by the licensees three (3) weeks prior to date of such expiration. Failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action in a court of competent jurisdiction in an action based upon operation of a business without a license.

Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

(5.04.070 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.080 Licenses Not Assignable; Unlawful Use.

No license may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person shall use or display any license that has been improperly acquired. No person shall alter, deface, forge, or counterfeit any license issued by the City.

(5.04.080 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.090 License Fees.

Payment of license fees: In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the City Clerk in the amounts prescribed by the business license fee ordinance of the City as is in effect, from time to time. Except as otherwise provided, all license fees shall become a part of the General Corporate Fund to reimburse said Fund for the costs incurred in investigations and processing applications for the licenses required herein, and for the costs of regulating the subject businesses. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of death or departure of the licensee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

When an applicant has not engaged in the business to be licensed until after the expiration of part of the current license year, the license fee shall be pro-rated by quarters of a year and the fee paid for each quarter or fraction thereof during which the business may be conducted for that license year.

(5.04.090 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.; 5.04.090 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.100 Food Establishments.

All food and beverages prepared, stored, served, sold, or offered for sale in any food establishment licensed hereunder shall at all times be wholesome, free from spoilage, and safe for human consumption.

All employees of such food establishments shall wear clean outer garments and shall keep their hands clean at all times while handling food or beverages.

All dishware, silverware, glassware, and other multi-use utensils used in a food establishment shall be thoroughly cleaned and disinfected after each use.

Kitchens and other places where food and beverages are prepared and stored, together with all equipment used therein, shall be maintained in a clean and sanitary condition.

(5.04.100 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.110 Reserved.

Reserved.

(Ord. No. 3455, Amended, 04/15/2019; 5.04.110 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.120 Food Refrigeration Plants.

The lockers in food refrigeration plants shall be maintained in a clean, sanitary condition and the temperatures maintained therein shall be adequate to keep the food stored therein free from spoilage.

Section 5.04.130 Hotels, Motels, and Rooming Houses.

Sleeping rooms in hotels, motels, and rooming houses, together with furniture, furnishings, fixtures, mattresses, and linens used therein, shall be maintained in a clean and sanitary condition.

(5.04.130 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.140 Flammable and Combustible Materials.

All gasoline, flammable liquids and gases, dry cleaning chemicals, and other highly volatile or flammable substances stored in any business shall be kept in tanks, barrels, drums, or other containers which are properly constructed and maintained in good condition so as to prevent fires, explosions, or other hazards to the safety of persons and property in the vicinity thereof. Combustible materials shall be kept away from heating and other equipment with open flames so as to prevent fires or other hazards to the safety of persons and property in the vicinity thereof. No smoking shall be permitted in close proximity to such materials and "no smoking" signs shall be conspicuously displayed in such areas. Each business storing such

materials shall be equipped with one or more fire extinguishers as needed.

(5.04.140 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.150 Contractors.

Contractors licensed hereunder shall maintain their equipment and work areas in a safe condition. All debris shall be contained on the site and disposed of routinely. All openings and excavations shall be well marked or covered. Curbs and sidewalks shall be planked sufficiently to prevent damage before any heavy equipment is moved across them. Dirt or mud that is dragged into public streets must be cleaned daily. All contractors licensed hereunder must show proof of license before a building permit is issued.

(5.04.150 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.160 Building and Premises.

No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the City and the State of Illinois.

(5.04.160 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.170 Location.

No license for the operation of a business in the City shall be construed to permit the operation of a licensed business in more than one location in the City; a separate license shall be required for each location of a licensed establishment. For the purposes of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

The location of any licensed business may be changed provided that

ten (10) days' notice thereof is given to the City Clerk in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the City shall be complied with.

(5.04.170 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.180 Nuisances Prohibited.

No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under this Chapter or under the provisions of any other City Ordinance prohibiting nuisances, including Chapter 8.24 of this Municipal Code, as amended.

No building or structure, utilized, constructed, or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe, or dangerous condition.

No substance, matter, or thing of any kind whatever which shall be dangerous or detrimental to health shall be allowed to exist in connection with any business or occupation or be used in any work or labor performed in the City.

It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business to cause to be removed at his own cost and expense at least once each week all refuse produced therein; provided, however, that such removal shall occur more frequently as necessary to prevent nuisances from odor, vermin, and/or litter.

The standard refuse container required by this code shall be a receptacle of not less than twenty (20) nor more than thirty-two (32) gallons capacity, of impervious material and sturdy construction, with a tight-fitting cover, and equipped with handles properly placed to facilitate handling. The occupant of every building, structure or premises used or maintained in connection with any business shall provide and maintain in good condition

and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections. All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

Every person owning or controlling any hotel, restaurant, cafe or retail food establishment where more than thirty-two (32) gallons of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed at least bi-weekly from the business premises and to be disposed of at their expense.

(5.04.180 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.190 Working Conditions.

Health requirements: No owner, lessee, manager or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty in respect to light, ventilation, heat, or cleanliness.

All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

Heating requirements: It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop, office, store or other place of employment, to maintain a temperature within such factory or workshop of not less than sixty-eight degrees (68) Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein at such times as employees are required to be on the premises from October 1 of each year to June 1 of the succeeding year, Sundays and holidays excepted; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than sixty-eight degrees (68) Fahrenheit is necessary or

expedient for the work or manufacturing process of such business.

Inspections: The Building Commissioner shall visit or cause to be visited all such places of employment in the City as often as they shall deem necessary to ensure compliance with the provision of this chapter, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

(5.04.190 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.200 Business Open to Public.

All businesses licensed under this chapter that invite the public generally into their establishments for the purpose of conducting business, shall be subject to the following regulations in addition to all other ordinances and regulations of the City:

All areas within the licensed premises where the public may enter shall be kept in a safe and sanitary condition.

All businesses subject to this section shall refrain from all deceptive trade practices as defined by state or federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business license of the establishment may be revoked pursuant to the provisions of this chapter.

All businesses wherein there are bowling alleys, billiard or pool tables or ten (10) or more coin-operated amusement machines or juke boxes shall have a supervisor present at all times when open to the public.

(5.04.200 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.210 Appeal.

Any person aggrieved by the decision of the Mayor in regard to the denial of an application for a business license, as provided in this chapter, or the Mayor in connection with the suspension or revocation of a license, or the closing of an establishment dangerous to the public, as provided in this

chapter, shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within ten (10) days after the notice of a denial of an application or a revocation of a license, a written statement under oath setting forth specifically the grounds for appeal. The City Council shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in Section 5.04.260 hereof. The decision of the City Council on such appeal shall be by a vote of a majority of the City Council then holding office and shall be final.

(5.04.210 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.220 License to be Posted; Destruction; Removal of License.

It shall be the duty of any person conducting a licensed business in the City to keep his license displayed at all times in a prominent place on the premises, machine, or vehicle used for such business.

No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner, any license, certificate, plate, or sticker that has been issued by the City except when such license, certificate, plate, or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Mayor or his or her duly authorized representative from removing any license, certificate, plate, or sticker from the possession of a former licensee, his premises, any vehicle, or any machine when said license has been revoked under the provisions of this chapter.

(5.04.220 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.230 Reserved.

Reserved.

(Ord. No. 3455, Amended, 07/13/2021, Section 05.04.230 be deleted; 5.04.230 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.240 Compliance with Ordinances and Statutes.

The building and premises used in any business licensed hereunder shall comply with all City Zoning, Building, Fire and Health Codes, and

Ordinances, as well as all other applicable City Codes, Ordinances, rules, and regulations and shall be maintained in good repair, free of litter and debris and kept in a safe condition for employees, customers and other persons present therein or thereon. In addition, any business licensed hereunder shall comply with all statutes of the State of Illinois. No gambling, raffle, lottery, or chance gift distribution of money or articles of value shall be permitted on any premises wherein a business is licensed hereunder.

(5.04.240 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.250 Enforcement.

The Mayor, the City Clerk, the City Code Administrator, the City Building Commissioner, and the City Fire Chief and the City Police Chief shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. All municipal employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other City Ordinances relating to the licensing of businesses and occupations and their regulations.

(5.04.250 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.260 Suspension and Revocation of License.

Suspension of business operation: When the conduct or operation of any business shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises and the suspension of any license for a period not to exceed ten (10) days. Within eight (8) days after he or she has so acted, the Mayor shall call for a hearing for the purpose of determining whether or not the license should be suspended for an additional period of time or revoked.

Revocation of License: Licenses issued under the ordinances of the City, unless otherwise provided, may be suspended for up to thirty (30) days or revoked by the Mayor after notice and hearing as provided below for any of the following causes:

Any fraud, misrepresentation or false statement contained in the application for the license;

Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license, or the premises occupied.

Conviction of the licensee of any felony or of a misdemeanor when such conviction indicates his inability to operate a safe, honest, or legitimate business operation within the City;

Failure of the licensee to pay any fine or penalty owing to the City;

Refusal to permit an inspection or sampling, or any interference with a duly authorized City Officer or employee while in the performance of his duties in making such inspections, as provided in this chapter; or

Any other violation of any City Ordinances, Resolutions, or regulations.

Such suspension or revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the City.

Hearing: Notice of the hearing for suspension or revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

At the hearing, the City Attorney shall present the complaint and shall represent the City. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. A stenographic or electronically recorded record of the hearing shall be kept. The Mayor shall preside and shall render the decision within a reasonable time after the conclusion of the hearing, but not later than thirty (30) days after such conclusion. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

Any licensee whose license is suspended or revoked shall pay to the

City the costs of the hearing before the Mayor. The Mayor shall determine the costs incurred by the City for said hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as the Mayor may allow.

The licensee shall pay said costs to the City with (30) days of notification of the costs by the Mayor. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause for license suspension or revocation, or the levy of a fine.

(5.04.260 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.270 Penalty; Enforcement.

In addition to the suspension and revocation provisions above, any person, firm, or corporation convicted of violating any provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Preceding paragraph amended by Ord. No. 3180 passed and approved 04/20/2015.)

Whenever a person, firm, or corporation violates any of the provisions of this chapter, the City may cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance herewith, including an action for injunctive relief in a court of competent jurisdiction. (Preceding paragraph was not amended by Ord. 3180.)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; 5.04.270 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.280 Tobacco Dealers.

A. The Mayor and City Council expressly find and declare that:

Cigarette smoking is dangerous to human health.

There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical

disorders.

The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country.

The director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent.

The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use.

The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen (18) has proven ineffective in preventing such persons from using tobacco products.

The enactment of this section directly pertains to and is in furtherance of the health, welfare, and safety of the residents of the City, particularly those residents under eighteen (18) years of age.

B. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"Vending machine" means any mechanical, electric or electronic self-service device, which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

C. It shall be unlawful to sell or offer for sale, at retail, to give away, deliver or to keep with the intention of selling at retail, giving away, or delivering tobacco products within the City without having first obtained a tobacco dealer's license therefor pursuant to this section. Such license shall be in addition to any other license required by this chapter.

D. Application for a license hereunder shall be made, in writing, to the City Clerk and shall be processed in accordance with the provisions of section 5.04.040 of this chapter.

E. It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products within one hundred (100) feet of any school, child care facility, or other building used for education or recreational programs for persons under the age of eighteen (18) years.

F. It shall be unlawful:

Sales to: For any person, including any licensee, to sell, offer for sale, give away, or deliver tobacco products to any person under the age of eighteen (18) years.

Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

**THE SALE OF TOBACCO PRODUCTS TO PERSONS
UNDER EIGHTEEN (18) YEARS OF AGE IS PROHIBITED BY LAW.**

The text of such signs shall be in red letters on a white background; said letters to be at least one (1) inch high.

Sale by: For any licensee or any officer, associate, member, representative, agent, or employee of such licensee, to engage, employ, or permit any person under eighteen (18) years of age to sell tobacco products in any licensed premises.

Purchase: For any person under the age of eighteen (18) years to purchase tobacco products or to misrepresent his identity or age or to use any false or altered identifications for the purpose of purchasing tobacco products.

Possession: For any person under the age of eighteen (18) years to possess any tobacco products; provided, that the possession by a

person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

Penalties generally: Any person violating any provision of this section shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee convicted of violating any provision of this section may be subject to having his license revoked, suspended or not renewed by the City.

G. It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting, or advertising tobacco products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products free of charge to any person on any right-of-way, park, playground, or other property owned by the City, any school district, any park district, or any public library.

H. It shall be unlawful for any licensee to sell or offer for sale, give away, deliver, or to keep with the intention of selling, giving away, or delivering tobacco products by use of a vending machine unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of eighteen (18) years.

Any premises where access by persons under the age of eighteen (18) years is prohibited by law or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of the business located at such premises shall be exempt from the requirements of this section.

I. The Mayor shall be charged with the administration of this section. The Mayor may suspend or revoke any license issued under the provisions of this section if he or she determines that the licensee has violated any of the provisions hereof. In lieu of suspension or revocation of a license, the Mayor may, instead, levy a fine on the licensee.

The fine imposed shall not be less than seventy-five (\$75.00) and shall not exceed the maximum amount of seven hundred fifty dollars (\$750.00) for each violation. Each violation shall constitute a separate offense and each day on which a violation continues shall constitute a separate violation.

J. Hearing; decisions; fees: Notice of hearing: No such license shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Mayor with a seven (7) day written notice to the licensee affording the licensee an opportunity to appear and defend against the charges contained in such notice. The seven (7) day notice provisions shall begin the day following delivery by certified mail or by personal service.

Mayor's decision: The Mayor shall, within seven (7) days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order and either the amount of the fine, the period of suspension, or that the license has been revoked and serve a copy of such order within said seven (7) day period upon the licensee.

Fees: Any licensee determined by the Mayor to have violated any of the provisions of this section shall pay to the City the costs of the hearing before the Mayor on such violation. The Mayor shall determine the costs incurred by the City for said hearing, including, but not limited to, court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as the Mayor may allow.

The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Mayor. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause for license suspension or revocation or the levy of a fine.

Use of premises after license revocation: When any license shall have been revoked for any cause, no license shall be granted to said licensee for the period of six (6) months thereafter for the

conduct of the business of selling tobacco products, as defined in this section, on the premises described in such revoked license.

Responsibility of licensee for agents and employees: Every act or omission of whatsoever nature constituting a violation of any of the provisions of this section by any officer, director, manager, or other agent or employee of any licensee shall be deemed and held to be the act of such licensee and such licensee shall be subject to punishment in the same manner as if such act or omission had been done or committed by the licensee personally.

(5.04.280 (Ord. 2077), Repealed & Replaced, 08/05/2002, Business Licensing and Regulation.)

Section 5.04.290 Mobile Home Parks

A) These provisions shall apply to mobile home parks, as defined by Section 15.56.040 of the Municipal Code, which are located within the corporate boundaries of the City of Columbia.

B) Mobile home parks shall be required to maintain an annual business license, the issuance of which shall require compliance with Section 15.56 “Mobile Home Parks.”

C) The Building Official or designee shall inspect all mobile home parks at least twice per year to ensure compliance with Section 15.56, as authorized per Section 05.04.050 and required per Section 15.56.420.

D) No business license shall be issued or renewed for a mobile home park that, upon inspection, fails to comply with Section 15.56. Any mobile home park operating in violation of the provisions herein shall be subject to the maximum enforcement actions and penalties authorized by applicable sections of the Municipal Code.

(Ordinance No. 3433, Amended, 10/15/2018, Added and Amended by Ordinance No. 3433 - Added Section 05.04.290 Mobile Home Parks)

Chapter 5.08

SHORT-TERM RENTALS

Sections:

- 5.08.010 Purpose and Applicability.**
- 5.08.020 Definitions.**
- 5.08.030 General Provisions.**
- 5.08.040 Type A Short-Term Rental (Owner-Occupied) Requirements.**
- 5.08.050 Type B Short-Term Rental (Non-Owner-Occupied) Requirements.**
- 5.08.060 Bed and Breakfast Requirements.**
- 5.08.070 Enforcement.**

Section 5.08.010 Purpose and Applicability.

It is the intent and purpose of this section to establish regulations regarding short-term rentals (commonly known as “AirBNBs,” “VRBOs,” or any other platform or media of this nature) in order to safeguard the peace, safety, and general welfare of neighborhoods within the City of Columbia. This section intends to minimize negative secondary affects related to short-term rentals including excessive noise, disorderly conduct, and illegal parking. Such short-term rental shall comply with all requirements of the City and state building, fire, safety, and occupancy codes and limits as well as all regulations provided in this section and all other City codes. (Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replace "Bed and Breakfast Establishments" with "Short-term Rentals")

Section 5.08.020 Definitions.

- A. Short-term rental (Type-A). An accommodation where, in exchange for compensation, an owner-occupied residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.
- B. Short-term rental (Type-B). An accommodation where, in exchange for compensation, a non-owner-occupied residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.
- C. Bed and breakfast. An accommodation where, in exchange for compensation, an owner-occupied residence which has five or fewer guest units in operation for more than ten nights in a 12-month period within a single-family dwelling, the owners of which serve breakfast to short-term rental guests.
- D. Short-term rental agent. Any person or organization designated by the owner or longterm tenant of a short-term rental on the short-term rental license application.
- E. Short-term rental guests. Guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.
- F. Short-term rental owner. The owner of record of the property.
- G. Short-term rental license. The license issued by the City to a short-term rental owner, or short-term rental agent, who have submitted the required documentation and met the requirements set

forth in this chapter for operation of a short-term rental unit.

(Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replaced "Bed and Breakfast Establishments" with Short-term Rentals.)

Section 5.08.030 General Provisions.

A. No person or entity shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental without first obtaining a short-term rental license pursuant to the regulations contained herein.

B. Every short-term rental (Type A, Type B, and Bed and Breakfast) shall be licensed and registered annually. Application for licensure shall be submitted to the appropriate City department, on a form prescribed by the City.

C. No license issued pursuant to the provisions of this Chapter shall be transferred to any other person or entity by lease, agreement, contract or any other agreement.

D. Every short-term rental (Type A, Type B, and Bed and Breakfasts) shall pass a City inspection annually prior to being advertised as available.

E. No licensee shall transfer the right to operate under any license issued under this chapter to any other person or entity by lease, agreement, contract or any other agreement.

F. All short-term rentals are limited to a maximum duration of less than 30 consecutive days.

G. All short-term rental units shall be rented only on a daily basis.

H. All short-term rental properties must provide off-street parking on the premises in the approved driveway or garage.

I. Except as otherwise provided in this Chapter, no external signage shall be permitted; however, a legible copy of the short-term rental license shall be posted within any dwelling unit utilized as a short-term rental, and include the following information:

1. The name, address, telephone number and email address of the short-term rental agent;
2. The short-term rental unit license number;
3. The maximum occupancy of the unit; and
4. The maximum number of vehicles that may be parked at the unit

J. The owner shall post the current City of Columbia Short-Term Rental Registration number on or in any advertisement appearing in any written publication or any website promoting the availability or existence of a short-term rental unit.

K. Short-term rental licensee shall be required to keep financial records for at least three years.

L. Short-term rental units shall be subject to and shall comply with all requirements of the City and state building, fire, safety, and occupancy codes and limits.

M. Any short-term rental shall be subject to the hotel and motel tax and associated requirements of the Columbia Municipal Code and State of Illinois Compiled Statutes.

N. Provisions of this Chapter shall not apply to lease-backs for real estate transactions.

(Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replaced "Bed and Breakfast Establishments" with Short-term Rentals.)

Section 5.08.040 Type A Short-Term Rental (Owner-Occupied) Requirements.

A. The owner of the dwelling shall maintain the short-term rental as their permanent residence and shall reside on the premises at the time that short-term rental guests are present.

B. No more than one unit in any dwelling may be rented at the same time as a short-term rental unit.

C. Only one group of patrons in a 24-hour period shall be allowed in a "Type A" shortterm rental unit.

(Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replaced "Bed and Breakfast Establishments" with Short-term Rentals.)

Section 5.08.050 Type B Short-Term Rental (Non-Owner-Occupied) Requirements.

A. The owner of the dwelling is not present on-site during the short-term rental.

B. Only one group of patrons in a 24-hour period shall be allowed in a "Type B" shortterm rental unit.

(Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replaced "Bed and Breakfast Establishments" with Short-term Rentals.)

Section 5.08.060 Bed and Breakfast Requirements.

A. The property shall be owner-occupied and the short-term rental owner shall be the operator of the establishment.

B. The maximum length of stay for any short-term rental guest for any consecutive period of time shall be seven days.

C. The maximum number of bedrooms for a bed and breakfast use shall not exceed five.

D. No cooking facilities shall be permitted in any of the rented rooms.

E. Meals may be served to overnight guests only.

F. Signs shall meet the requirements of Chapter 15.44.

G. All bed and breakfast establishments shall meet all applicable municipal, county, and state health requirements for lodging and food preparation facilities.

(Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replaced "Bed and Breakfast Establishments" with Short-term Rentals.)

Section 5.08.070 Enforcement.

A. A short-term rental unit license application shall be denied if the short-term rental owner has a short-term rental unit license revoked within the past 12 months for the same or other short-term rental unit. If the short-term rental license is revoked twice, no short-term rental license shall

subsequently be issued for such owner or such shortterm rental unit property.

B. In "Type-B" short-term rentals where the short-term rental owner or short-term rental agent is not present, upon any notification that any transient, occupant or guest of the short-term rental unit property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violation of any applicable law, rule or regulations pertaining to the use and occupancy of the short-term rental unit property, the owner or agent shall respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct.

1. Failure of the owner to respond to such calls or complaints regarding the condition, operation or conduct of the occupants and/or guests of a short-term rental unit in a timely and appropriate manner shall be grounds for revocation of the short-term rental license and shall subject the owner to all administrative, legal and equitable remedies available to the City.

a. A person aggrieved by the City's decision to revoke, suspend or deny a short-term rental license may appeal the decision in writing to the City Council.

b. The appeal must be filed within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal.

c. The City Council shall consider and respond to the appeal in writing within 30 days after receipt.

1. The City Council shall render a determination, which will constitute a final ruling. The decision of the City Council may be appealed via Certiorari to the Court of Monroe/St. Clair County of Illinois. The City Council is authorized to adopt administrative rules which shall govern the implementation of this section including the procedures and processes which shall govern any such appeals. Such procedures and processes must conform to the constitutional principles of due process and shall provide notice and an opportunity to be heard.

(Ordinance No. 3665, Repealed & Replaced, 03/18/2024, Ordinance No. 3665 Repealed & Replaced "Bed and Breakfast Establishments" with Short-term Rentals.)

Chapter 5.12

FOREIGN FIRE INSURANCE COMPANIES

Sections:

5.12.010 License required.

5.12.020 Fee.

5.12.030 Reports.

5.12.040 Time of payment.

Section 5.12.010 License required.

It is unlawful for any corporation or association not incorporated under the laws of the state of Illinois to engage in effecting fire insurance in the city or to transact any business of fire insurance here without fully complying with the provisions of this chapter. (Prior code § 36-5-1)

Section 5.12.020 Fee.

Any such corporation or association shall pay to the treasurer for the maintenance, use and benefit of the fire department a sum of money equal in amount to two percent of the gross receipts each year received for premiums by any and all agents of any such corporation or association or received as premiums in any way for fire insurance policies on any property in this city. Such payments shall be made for the year ending the first of July of each year. (Prior code § 36-5-2)

Section 5.12.030 Reports.

Every person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth day of July of each year, render to the treasurer a full, true and just account, verified by his oath, of all premiums which shall have been received by him on behalf of the company during the year ending the preceding first of July on such fire insurance policies. (Prior code § 36-5-3)

Section 5.12.040 Time of payment.

All payments due under the provisions of this chapter shall be made on or before the fifteenth day of July following the termination of the year for which such payments are due. (Prior code § 36-5-4)

Chapter 5.16

JUNK DEALERS

Sections:

- 5.16.010** **Definitions.**
- 5.16.020** **Physical requirements.**
- 5.16.030** **License required.**
- 5.16.040** **Application.**
- 5.16.050** **Disqualification.**
- 5.16.060** **License issuance.**
- 5.16.070** **License fee.**
- 5.16.080** **Minors.**

Section 5.16.010 **Definitions.**

As used in this chapter:

"Junk" means and includes scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than one gross, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

"Junk dealer" means and includes every person, firm, partnership or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as junk.

"Junk yard" means and includes the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging or collecting, receiving, storing or holding in possession for sale, barter or exchange, any of the things in and by this section defined as junk. (Prior code § 7-5-1)

Section 5.16.020 **Physical requirements.**

The minimum physical requirements at all times for each junk yard shall be as follows:

A. The premises where the junk yard is located shall not have more than two entrances thereto and two exits therefrom, each of which shall not exceed fifteen (15) feet in width at the perimeter of the premises.

B. The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of seven feet measured from ground level, excepting for the entrances and exits permitted by subsection A of this section.

C. The aforesaid solid, nontransparent wall or fence, and the gates or doors, if any, at the aforesaid entrances and exits, shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting one sign of the licensee thereon not exceeding one hundred (100) square feet in size.

D. The public streets and alleys adjacent to the junk yard shall not have junk thereon. (Prior code § 7-5-2)

Section 5.16.030 License required.

It is unlawful for any person, firm, partnership or corporation to keep, maintain, conduct or operate a junk yard within the corporate limits of the city, without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on noncontiguous lots, blocks, tracts or parcels of land. (Prior code § 7-5-3)

Section 5.16.040 Application.

Before any license under the provisions of this chapter is issued, any person, firm, partnership or corporation desiring to operate a junk yard in this city shall first make a verified application in writing to the city clerk, stating thereon, the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, nontransparent wall or fence of a minimum height of seven feet measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm or partnership, the names and residence addresses of all the partners, and in the case of a corporation, the names and residence addresses of the president and secretary, shall be stated in the application. (Prior code § 7-5-4)

Section 5.16.050 Disqualification.

Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- A. Not a person of good character;
- B. Falsification of an application for a license hereunder;
- C. License for a junk yard theretofore issued to the applicant has been revoked during the preceding twenty-four (24) months;
- D. Failure to meet any one of the minimum physical requirements for a junk yard as specified in Section 5.16.020. (Prior code § 7-5-5)

Section 5.16.060 License issuance.

Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is nonassignable and nontransferable.

Such license shall further provide that it is issued subject to all provisions of this chapter; that upon the first conviction for a violation of any of the provisions of this section, in addition to the fine, such junk yard shall remain closed for a period of thirty (30) days; that upon the second conviction for a violation of any of the provisions of this section, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the

terms and provisions of this section, and all amendments thereto. (Prior code § 7-5-6)

Section 5.16.070 License fee.

The annual license fee for each junk yard shall be two hundred fifty dollars (\$250.00), payable in advance with the filing of the application for license, and shall not be subject to pro-rata reduction for a portion of the year, either because of application for or because of revocation of a license; provided, however, that only one annual license fee shall be payable for licenses, which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts or parcels of land, which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the city, but the operator carries on the business of buying, or collecting or bartering for the items heretofore enumerated within the city, the annual fee shall be ten dollars (\$10.00) for each junk dealer. (Prior code § 7-5-7)

Section 5.16.080 Minors.

No licensee hereunder shall purchase or receive any article whatsoever from any minors without the written consent of their parents or guardians. (Prior code § 7-5-8)

Chapter 5.20

LIQUOR CODE

Sections:

5.20.010	Definitions.
5.20.020	License required.
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5.20.050	Issuance of license.
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5.20.070	Prohibited licensees.
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5.20.090	Regulations for BYOB (bring your own booze) establishments.
5.20.100	Renewal of license.
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5.20.120	Transfer of license.
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5.20.260	Unlawful purchase of liquor.
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5.20.290	Exclusionary provision.
5.20.300	Limitation of Number of Licenses.
5.20.310	Shared Common Wall.
Section 5.20.010	Definitions.

Unless the context otherwise requires, the words and phrases herein defined are used in this chapter in the sense given them in the following definitions.

"Alcohol" means the product of distillation of any fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and

includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less of alcohol by volume.

"Auction" means public sale of property to the highest bidder by one licensed and authorized for that purpose.

"Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

"Brew pub" means any person who manufactures beer only at a designated premises to make sales to distributors, importing distributors, and to nonlicensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail.

"BYOB (bring your own booze) Establishment" means a tobacco shop or full-service restaurant, as defined herein, which allows customers to bring alcoholic beverages (e.g. spirits, liquors, wine, beer, pre-mixed cocktails, other "hard" beverages) in their sealed original packages that have been purchased elsewhere, into said establishment for consumption on premises.

"Caterer" means a person who serves alcoholic liquors for consumption, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service with the prepared meals and alcoholic liquor sold as a package price agreed upon under contract.

"Club" means a corporation organized under the laws of this state, not

for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, which conforms to the definition of "club" in 235 ILCS 5/1-3.24.

"Distributor" means any person, other than a manufacturer or nonresident dealer licensed under the Act, who is engaged within Illinois in the purchasing, storing, possessing or warehousing of any alcoholic liquors for resale or reselling at wholesale in or out of this state.

"Importing distributor" means any person, other than a nonresident dealer licensed under the Act, who imports into Illinois from anywhere in the United States other than this state, for himself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or imports into Illinois from anywhere in the United States other than this state, for consumption in any one calendar year, more than one gallon of such liquors.

"Liquor Control Act" means the Liquor Control Act of 1934, as amended, otherwise known as the "Act" (235 ILCS 5/1-1 et seq.).

"Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, that includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted by the Act to serve drinks for consumption on the premises where sold. All containers or packages of blended alcoholic liquor shall have affixed thereto a label setting forth and stating clearly the names of all ingredients with which the blended alcoholic liquors offered for sale shall contain.

"Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as defined herein.

"Nonresident dealer" means any person, firm, partnership, corporation or legal business entity which exports into this state, from

anywhere in the United States other than this state, any alcoholic liquors for sale to Illinois licensed importers or importing distributors.

"Not-for-profit organization" means an organization incorporated under or licensed to do business in the state of Illinois solely for the promotion of one or more of the following purposes: charitable;

benevolent; eleemosynary; educational; civic; patriotic; political; religious; social; literary; and athletic.

"Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor.

"Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

"Restaurant, full-service" means a restaurant, as herein defined, with interior seating at tables or booths for a minimum of twenty-five (25) customers, where food is ordered from a full menu and orders are taken directly from a customer's table by restaurant wait staff and served directly to a customer's table.

"Retailer" means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

"Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, for a consideration, and includes and means all sales made by any person, whether principal proprietor, agent, servant or employee.

"Sell at retail" and "sale of retail" refers to any mean sales for use or consumption and not for resale in any form.

"Special event" means any event conducted by an educational,

fraternal, political, civic, religious or not-for-profit organization.

"Special event retailer" means educational, fraternal, political, civic, religious, or not-for-profit organizations which sell or offer for sale, beer, wine or both, only for consumption at the location and on the dates designated by a special event license.

"Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

"To sell" includes to keep or expose for sale and to keep with intent to sell.

"Tobacco shop" means a retailer of tobacco products in various forms and related accessories such as pipes, lighters, matches, pipe cleaners, and pipe tampers.

"Wine" means any alcohol beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

"Winery" means a retailer of alcoholic liquors and wines, as defined herein, which derives fifty percent (50%) or more of its income from the sale of wine.

(Amended during 1997 codification; Ord. 1343 § 1, 1995; prior code § 21-1-1)

(Ord. 3644, Amended, 05/15/2023, Added definitions for BYOB Establishments, Restaurant, full-service, Tobacco Shop, and Winery.; Ord. No. 3540, Amended, 11/16/2020, The definition for "Video Gaming Revenue" is hereby deleted and stricken from Section 5.20.010 Definitions ; Ordinance No. 3366, Added, 01/16/2018, Added new definition - "Video Gaming Revenue".)

Section 5.20.020 License required.

It is unlawful to sell or offer for sale, or expose for sale, any

alcoholic liquor, as defined in Section 5.20.010 within the city, without having a license from the city therefor. (Prior code § 21-2-1)

Section 5.20.030 Application for license.

Applications for a retail liquor license shall be made to the city clerk in writing, in form to be furnished by the city clerk to the applicant. The application may be made by an individual or by a duly authorized agent. If made by a club, limited liability company, or corporation, the application must be verified by oath or affidavit, and shall contain the following information and statements:

A. The name, age and address of the applicant, in the case of an individual, and in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a limited liability company or corporation for profit, or a club, the date of incorporation or organization, the names and addresses of the officers and directors or members, and if a majority in interest of the stock of such corporation or club is owned by one person or his nominee, the name and address of such person;

B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;

C. The character of business of the applicant; and in case of a limited liability company or corporation, the objects for which it was formed;

D. The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation or limited liability company, the date on which its charter was issued or company was formed;

E. The location and description of the premises or place of business which is to be operated under such license;

F. Whether applicant has made similar application for a similar other license on premises other than described in the application and the

disposition of such application;

G. That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid Act of the general assembly or in this code or resolution, and amendments thereto;

H. Whether a previous license issued to the applicant by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;

I. That he will not violate any of the laws of the state of Illinois or of the United States, or any of the provisions of this code or resolution and amendments thereto, in the conduct of his place of business.

In case of a partnership, corporation, or limited liability company, the information and statements required by this section shall be furnished as to each partner, and as to the president and secretary of the corporation with the location of the principal office of the corporation or members of the limited liability company.

If the application is made in behalf of a partnership, firm, association, club, corporation, or limited liability company, then the same shall be signed and sworn to by at least two members of such partnership, firm, association or club, or by the president and secretary of such corporation or by the managing member of the limited liability company.

One copy of the application shall be retained by the local liquor control commissioner, one copy given to the chief of police; the chief of police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the local liquor control commissioner and the endorsement and comment of the chief of police shall be considered by him as an aid in deciding whether the license should be issued or refused.

The local liquor control commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local

license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose, to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

(Ordinance No. 3401, Amended, 04/16/2018, Section 5.20.030 Application for License - Amended; Ordinance No. 3366, Amended, 01/16/2018, Section 5.20.030 Amended - Application for License.)

Section 5.20.040 List of licenses.

The mayor shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the clerk, treasurer and chief of police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the mayor shall give written notice of such action to each of these officers within forty-eight (48) hours of such action. (Prior code § 21-2-3)

Section 5.20.050 Issuance of license.

Upon the application being prepared and executed by the applicant, the same shall be submitted to the Mayor for approval. The Mayor shall require a criminal history background investigation by the Federal Bureau of Investigation (FBI), with the assistance of the City's Police Department, for all liquor licenses applicants and dram shop managers or agents where a licensee's place of business is conducted by a manager or agent. If the applicant is a corporation or limited liability company, an FBI criminal history investigation shall be required for each manager, officer, director and shareholder owning in the aggregate more than five percent (5%) of the stock of the company or corporation. If the applicant is a copartnership, an FBI criminal history investigation shall be required for each general partner or limited partner owning in the aggregate more than a five percent (5%) interest in the partnership. The applicant shall remit payment of the fee required by the City for the background investigation(s), the amount of which shall be set by and contained in Title 18 of City's Municipal Code (same being the ordinance of the City which annually sets license and other fees and charges of the City), as from time to time in effect. The applicant (and each other person for whom a background investigation is required) shall sign the required forms for the FBI investigation(s), and be fingerprinted on the required FBI fingerprint card at the time the applicant applies for the liquor license. The Mayor shall withhold action on the application until the Mayor has received the FBI report with regard to the criminal history investigation(s) pertaining to the applicant and any other persons for whom an investigation is required; except in cases where the Mayor determines that the withholding of the issuance of the liquor license until receipt of the FBI investigative

report(s) will cause a severe and undue hardship for the applicant and will not cause a threat to the health, safety and welfare of the citizens of the City. The application shall be denied in the event the FBI investigative report indicates the criminal history of the applicant or any other person for whom a background investigation is required indicates the applicant is disqualified from receiving the liquor license. In any instance where a liquor license is issued by the Mayor prior to the Mayor receiving the FBI investigative report(s), the license shall be issued subject to revocation after the FBI investigative report(s) are received by the Mayor if, based upon the report, the Mayor should determine the applicant/licensee is disqualified from receiving a City Liquor License.

(5.20.050 (Ord. 2288), Amended, 08/16/2004)

Section 5.20.060 Display of license.

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (Prior code § 21-2-5)

Section 5.20.070 Prohibited licensees.

No retail license shall be issued by the local liquor control commissioner to:

- (A) A person who is not a resident of the city.
- (B) A person who is not of good character and reputation in the community in which he resides.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with Section 6-2.5 of the State Liquor Code and the Commission's investigation.
- (E) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- (F) A person who has been convicted of pandering.

(G) A person whose license issued under the Illinois Liquor Control Act has been revoked for cause.

(H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(I) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the city.

(J) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the city.

(K) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

(L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with Section 6-

2.5 of the State Liquor Code, that the person will not be impaired by the conviction in engaging in the licensed practice.

(N) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(O) Any law enforcing public official, including the mayor or any alderman; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a

license may be granted to such official in relation to premises that are not located within the City if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted to any alderman in relation to premises that are located within the City if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable City ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the City Council. Notwithstanding any provision of this paragraph (O) to the contrary, an alderman may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official or a mayor. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the mayor may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the council has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of the State Liquor Code.

(P) A person who is not a beneficial owner of the business to be operated by the licensee.

(Q) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute

replaced by any of the aforesaid statutory provisions.

(R) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.

(S) A person who intends to sell alcoholic liquors or otherwise allow the use or consumption thereof on his or her licensed premises who does not have liquor liability or equivalent insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the State Liquor Code.

(T) A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this paragraph (T), a person who is licensed by any licensing authority as a “manufacturer of beer” shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(U) A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For

the purposes of this paragraph (U), a person who is licensed by any licensing authority as a “manufacturer of beer” shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(V) Any video gaming establishment licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40), except for Class A-1 and A-2 licenses as defined and regulated herein under Section 5.20.080.

(Ord. No. 3644, Amended, 10/18/2023, Amended Section S.; Ord. No. 3540, Amended, 11/16/2020, Amended Subsection V; Ordinance No. 3402, Amended, 04/16/2018, Amended Section 5.20.070 Prohibited Licensees.; Ordinance No. 3366, Amended, 01/16/2018, Section 5.20.070 Prohibited Licensees amended.)

Section 5.20.080 Classification of licenses--Fees.

Every person, firm, limited liability company, or corporation engaged in the retail sale of alcoholic liquor in the city, or otherwise required to obtain a liquor license from the city, shall pay an annual license fee. Such licenses shall be divided into the classes listed herein. There shall be no limit on the number of total licenses issued, provided that Class A-1 and Class A-2 shall be limited to no more than a combined total of 15 licenses issued at any one time.

A-1. Class "A-1" licenses shall be reserved for video gaming establishments licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40). Class A-1 licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises. Convenience stores that sell automotive fuels shall not be eligible for Class A-1 licenses.

A-2. Class "A-2" licenses shall be reserved for video gaming establishments licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40). Class A-2 licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises and the sale of alcoholic liquor in sealed containers for off-premises consumption and not for resale in any form. Convenience stores that sell automotive fuels shall not be eligible for Class A-2 licenses.

B. Class “B” licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises.

C. Class “C” licenses shall be issued to wineries and shall authorize the retail sale of alcoholic liquor on the premises, specified for consumption

on the premises, and the retail sale of wine in sealed packages intended for consumption off the premises and not for resale in any form. To qualify as a winery, a licensee must have fifty percent (50%) or more of its business derived from the sale of Wine as defined by this Code.

- D. Class "D" license shall authorize the sale of alcoholic liquor intended for off premises consumption and not for resale in any form.
- E. Class "E" license, or caterer's license, shall authorize the sale of alcoholic liquors on or off premises by caterers, without regard to whether or not the location is licensed or unlicensed, as an incidental part of food service that serves prepared meals, which does not include the serving of snacks as the primary meal.
- F. Class "F" license, or special event license, shall authorize the sale of alcoholic liquor, for use or consumption only, by a licensee transferring a portion of its alcoholic liquor inventory from its retail license premises to the premises designated in its license application for a special event. Such license will be granted for three-day increments up to a maximum of fifteen (15) days per licensee per location in any twelve (12) month period. Applicants must submit satisfactory proof that it will provide dram shop liability insurance to the maximum limits.
- G. Class "G" license, or not-for-profit special event license, shall authorize the purchase and sale of alcoholic liquors by not-for-profit organizations for the purpose of retail sale for use or consumption only at the times and location designated as a special event in the license application. The license allows a retailer to transfer alcoholic beverages from an existing licensed retail premises to a designated site for a special event. The license shall be issued and valid for increments of three days at a time, not to exceed fifteen (15) days per licensee per location in any twelve (12) month period. Applicants must submit satisfactory proof that it will provide dram shop liability insurance to the maximum limits. In order to qualify as not-for-profit organization, a licensee must be incorporated as a not-for-profit corporation with the State of Illinois.
- H. Class "H" license shall authorize a holder thereof to manufacture beer ("brew pub") and store the brew pub at a designated premises and to make sales to distributors, importing distributors, as well as the direct sale to non-licensed consumers for consumption off the designated premises in containers not larger than 64 ounces or on the designated premise. A licensee shall not sell, for off premises consumption, more than 50,000 gallons of beer per year. A Class "H" licensee must have a valid brew pub license from the State of Illinois. The Class H licensee who meets the qualifications for the brew pub is also authorized to sell at retail any non-brew pub alcoholic liquor on the premises specified for consumption on the premises."
- I. Class "I" license, or BYOB (bring your own booze) license, shall authorize a BYOB establishment that does not sell alcoholic liquor, to permit consumption of alcoholic liquors brought by a customer onto the licensed premises for on-premises consumption

by said customer and their _____ guests, all of whom shall be twenty-one (21) years of age or older. Licensees and licensed establishments shall be subject to regulation under Section 5.20.090. There shall be no more than two (2) Class “I” licenses issued at any given time, one of which may be a _____ tobacco shop and one of which may be a full-service restaurant.

(Ord. 3644, Amended, 05/15/2023, Added Class I - BYOB License; Ord No. 3619, Amended, 08/15/2022, Amended Section 5.20.080; Ord No. 3540, Amended, 11/16/2020, Subsections A-1 and A-2 of Section 5.20.080 Classification of Licenses – Fees of the Columbia Municipal Code are hereby amended to read as follows; Ordinance No. 3401, Amended, 04/16/2018, Amended Section 5.20.080 - Classification of Licenses - Fees.; Ordinance No. 3366, Amended, 01/16/2018, Section 5.20.080 Classification of Licenses--Fees amended.; Ordinance No. 3336, Amended, 07/17/2017, Amended by Ord. No. 3336. Item H. ; No Ord. #., Amended, 09/29/2010, Removed Liquor License fees - Fees change annually and are listed in Title 18 Annual License Fee Ordinance of this code.)

Section 5.20.090 Regulations for BYOB (bring your own booze) establishments.

- A. No business establishment in the City shall permit customers to bring alcoholic liquor into the establishment or permit on-premises consumption of said alcoholic liquors, except as authorized by a valid Class “I” (BYOB) _____ license issued by the Local Liquor Commissioner.
- B. Licensees shall be prohibited from selling alcoholic liquor in any manner, form, quantity, or packaging.
- C. No alcoholic liquors shall be brought by customers into a licensed BYOB establishment except in the sealed original package.
- D. Customers shall be prohibited from taking opened containers of alcoholic liquor off the licensed premises, except for re-corked bottles that have been sealed in a carry-out bag in accordance with state law (235 _____ ILCS 5/6-33). Licensed establishments may charge a fee for this service.
- E. The licensee, on-site manager(s), and/or the licensee’s wait staff shall be responsible for opening sealed containers of alcoholic liquor furnished by the customer. Licensees and their employees who engage in the opening of alcoholic liquor containers shall take and successfully complete a Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program that has been certified by the State of Illinois. A copy of the BASSET course completion certificate(s) for each such person shall be made available at all times at the licensed premises for inspection by the City.
- F. Licensed establishments may furnish or sell non-alcoholic products, as allowed by local,

state and federal law, including, but not limited to ice, mixer beverages, garnishes, and glasses/cups.

G. Licensed establishments shall furnish storage lockers for customer-furnished alcoholic liquors, which may be either a free or paid service. However, only the licensee and their employees shall have direct access to the storage lockers, from which containers of customer-furnished alcoholic liquor may be retrieved for table service provided by the licensee or their qualified employees. Alcoholic liquor containers may remain at the customer's table for the duration of their visit to the licensed establishment. Prior to a customer leaving the licensed premises, opened containers that have not been emptied of their contents shall either be disposed of or re-corked, as described above, to be stored in a locker or taken with said customer.

H. BYOB license applicants and license holders shall be subject to all applicable provisions of this Liquor Code, including all requirements for eligibility, application, fees, issuance, establishment operations, administration, and enforcement.
(Ord. 3644, Amended, 05/15/2023, Establish BYOB Regulations; Ordinance No. 3443, Amended, 12/17/2018, Removed Liquor Bond Requirement.)

Section 5.20.100 Renewal of license.

Any licensee may renew his license at the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purposes; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the mayor from decreasing the number of licenses to be issued within his jurisdiction.

A. Annexing License Holders. The restrictions contained in this section shall in no way affect taverns and other businesses holding retail liquor licenses, duly licensed by the county of Monroe or other municipalities, which are located in the territory annexed to the city. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided, that thereafter, all of the restrictions and contingencies contained herein shall apply.

B. Destroyed or Damaged Business. No license shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than ninety (90) days, without a tavern or business licensed for the sale of alcoholic liquor being in complete and full operation. However, if a tavern or business licensed for the sale of alcoholic liquor has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the ninety (90) day period, then in that event the liquor control commission shall extend the period of time for which a license may be held by the payment of fees without the tavern or business licensed for the sale of alcoholic liquor being in full and complete operation for an additional ninety (90) days. If either of the above-stated periods of time passes without the particular tavern or business licensed for the sale of alcoholic liquor returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this chapter shall have been met. (Ord. 1343 § 3, 1995; prior code § 21-2-9)

Section 5.20.110 Term of license--Disposition of fees.

A. Term--Pro-Rating Fee. Each such license shall terminate on the

thirtieth day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

B. Disposition of Fees. All such fees shall be paid to the city clerk at the time application is made and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the mayor and council for proper action. (Prior code § 21-2-10)

Section 5.20.120 Transfer of license.

A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this code provided; and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the expiration of such license; but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made for that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

The licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; provided that the renewal privilege herein provided shall not be construed as a vested right, and may be denied by the local liquor control commissioner. (Prior code § 21-2-11)

Section 5.20.130 Revocation of licenses.

The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses granted under this chapter:

A. In addition to and not limited by the specific penalties above set out for violations of specific sections of this chapter, the local liquor control commissioner may suspend for thirty (30) days or revoke any liquor license issued under this chapter for any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

B. The local liquor control commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

C. The local liquor control commissioner may enter or authorize any law enforcing officer to enter at any time upon any premises licensed to determine whether any of the

provisions of this chapter or the laws of the state of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time to examine the premises of the licensee in connection therewith.

D. Complaint by Residents. Any five residents of the city shall have the right to file a complaint with the mayor, stating that any licensee under this chapter has been or is violating the provisions of this chapter, or any amendments hereto, or of any of the statutes of the state of Illinois, enacted with reference to the control of liquor. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the mayor is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, it shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (Prior code § 21-2-12)

Section 5.20.135 Appeals

A. Pursuant to the provisions of ILCS Ch. 235, Act 5 § 7-9, any appeal authorized thereunder from an order of the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner, and it is hereby resolved that such review shall be solely on the record.

B. A certified official record of any proceeding that is subject to appeal under the provisions of ILCS Ch. 235, Act 5 § 7-9, before the Local Liquor Control Commissioner shall be taken and prepared by a certified court reporter or certified shorthand reporter and shall be filed by the Local Liquor Control Commissioner with the State Liquor Commission within 5 days after notice is received by the Local Liquor Control Commissioner of the filing of an appeal from an order of the Local Liquor Control Commissioner.

C. The Liquor Control Commissioner shall have the power and right to appeal to the Circuit Court or any other court of competent jurisdiction any decision of the State Liquor Control Commission which reverses or modifies any order issued or penalty imposed by the Local Liquor Control Commissioner.

(Ord. 3505, Added, 05/10/2023, Added Appeals)

Section 5.20.140 Hours.

A. Closing Hours. It is unlawful to keep open or permit to be open any business, except restaurants, retail grocery stores, convenience stores (a/k/a quick shops) or convenience stores (a/k/a quick shops) operated as part of a gasoline service station, where alcoholic liquor is sold or consumed, between the hours of one a.m. and five a.m. of every day of the week, Monday through Sunday, inclusive.

B.

1. Restaurant Hours. Restaurant operators possessing a license shall not sell, dispense or serve any alcoholic liquor between the hours of one a.m. and five a.m. of every day of the week, Monday through Sunday, inclusive. Further, the operators of restaurants shall not permit customers upon the restaurant's premises to have alcoholic liquor in their possession, except in containers with unbroken seals, at any time between the hours of one-thirty a.m. and five-thirty a.m. of every day, Monday through Sunday, inclusive.

2. Retail Grocery Stores, Convenience Stores (a/k/a Quick Shops) and Convenience Stores (a/k/a Quick Shops) Operated as Part of a Gasoline Service Station Hours. Retail grocery stores, convenience stores (a/k/a quick shops) and convenience stores (a/k/a quick shops) operated as part of a gasoline service station whose operators possess a license to sell packaged liquor, shall not dispense liquor on premises and shall only be permitted to sell packaged liquor for off-premises consumption. Such establishments shall not and it shall be unlawful for such establishments to sell packaged liquor between the hours of one a.m. and five a.m. of any day of the week, Monday through Sunday, inclusive

C. Penalty. Except as stated above, no alcoholic liquor shall be sold and all licensed premises must remain closed at the times specified. Any holder of a retail liquor license or his agent or employee who violates the provisions of this chapter in regulating the legal hours of operation shall, upon conviction of the first offense, be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00), and for the second offense, be fined not more than seven hundred fifty dollars (\$750.00), and suffer the revocation of such retail liquor license.

D. Time. The times referred to above shall mean daylight savings time when the same is in effect in the city, and upon cessation of daylight savings time, shall mean central standard time.

(Ord. 1826 § 1, 2000: Ord. 513 § 1, 1982: prior code § 21-3-1)

(Ord. 3644, Amended, 05/15/2023)

Section 5.20.150 Location restrictions.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children; provided, that this prohibition shall not apply to hotels offering restaurant services, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted was so located and established before the enactment of the city' s liquor code.

The prohibition contained in this section shall also not apply to renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within one hundred (100) feet since the issuance of the original license. In the case of a church, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing contained herein shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (Ord. 989 § 1, 1992: prior code § 21-3-2)

Section 5.20.160 Change of location.

A liquor dealer' s license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the statutes of the state and the ordinances of the city. (Prior code § 21-3-3)

Section 5.20.170 Unlawful entertainment.

No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act, or any topless and/or bottomless female employee and/or employees, (topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline, and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward) or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest; nor shall any licensee, his agent, servant or employee permit or allow any employee or guest, or any other person whomever to solicit or encourage the purchasing of alcoholic liquor or beverage of any description or the giving of any gratuity or gift by any patron, or guest to or for the benefit of any such employee or guest. (Prior code § 21-3-5)

Section 5.20.180 Elections.

A person may sell at retail any alcoholic liquor on the day of any national, state, county or city election, including primary elections, during the hours the polls are open. (Prior code § 21-3-6)

Section 5.20.190 Sanitary conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of premises used for the storage or sale of food for human consumption. (Prior code § 21-3-7)

Section 5.20.200 Employees.

It is unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor. (Prior code § 21-3-8)

Section 5.20.210 Gambling.

It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, unless permitted by the Illinois Video Gaming Act or other applicable state statute. (Prior code § 21-3-9)

(Ordinance No. 3366, Amended, 01/18/2018, Section 5.20.210 Gambling amended.)

Section 5.20.220 Disorderly house.

A person licensed under this chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. (Prior code § 21-3-10)

Section 5.20.230 Stores selling school supplies and lunches.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors. (Prior code § 21-3-11)

Section 5.20.240 Reserved

(Ord. No. 3449, Amended, 02/19/2019, An Ordinance Striking the Text from Section 5.20.240)

Section 5.20.250 Prohibited sales--Generally.

No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years. (Prior code § 21-3-14)

Section 5.20.260 Unlawful purchase of liquor.

Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor, or have such alcoholic liquor in his possession. (Prior code § 21-3-16)

Section 5.20.270 Posting warning.

In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the city clerk and which shall read as follows:

WARNING TO MINORS

YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCE OF THE CITY OF COLUMBIA IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

It is unlawful for any holder of a retail liquor dealer's license, or his agent, or employee to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor. (Prior code § 21-3-17)

Section 5.20.280 Identification required.

If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties. (Prior code § 21-3-18)

Section 5.20.290 Exclusionary provision.

The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home is not prohibited by this chapter. (Prior code § 21-3-19)

Section 5.20.300 Limitation of Number of Licenses.

No location, establishment or premises shall be issued more than one (1) liquor license for such location, establishment or premises at any given time. However, a location, establishment or premises may be issued a caterer's license (Class "E") if it holds a valid Class "A-1", "A-2", or "B" license.

(Ordinance No. 3437, Amended, 11/05/2018, Amended Section 5.20.300 regarding a caterer's license.; Ordinance No. 3366, Added, 01/16/2018, Added New Section 5.20.300 Limitation of Number of Licenses.)

Section 5.20.310 Shared Common Wall.

No liquor license shall be issued to any applicant for a location, establishment or premises that shares a common wall with a location, establishment or premises that already possesses a liquor license unless the common wall permanently prohibits ingress and egress between the locations, establishments or premises through the common wall.

(Ordinance No. 3366, Added, 01/16/2018, New Section 5.20.310 Shared Common Wall - added.)

Chapter 5.24

MESSAGE ESTABLISHMENTS, MASSEURS AND MASSEUSES

Sections:

5.24.010	Definitions.
5.24.020	Permit required.
5.24.030	Application for message establishment permit.
5.24.040	Application for masseur' s permit.
5.24.050	Approval by chief of police.
5.24.060	Issuance or denial of message establishment permit or masseur permit.
5.24.070	Display of permits.
5.24.080	Identification card.
5.24.090	Fees.
5.24.100	Revocation or suspension of permit.
5.24.110	Keeping of records.
5.24.120	Transfers prohibited.
5.24.130	Sanitation and safety requirements.
5.24.140	Supervision and operating requirements.
5.24.150	Persons under age eighteen prohibited on the premises.
5.24.160	Alcoholic beverages prohibited.
5.24.170	Inspections.
5.24.180	Exceptions.
5.24.190	Maintaining public nuisance.
5.24.200	Violations--Penalties.

Section 5.24.010 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter:

"Employee" means any person over eighteen (18) years of age, including a masseur or masseuse, who renders any service in connection with the operation of a message establishment and receives compensation from the operator of the business or patrons.

"Message" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in the practice.

"Message establishment" means any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned above, including but not limited to what are commonly known and referred to as spas, suntan spas or parlors, bathhouses and message parlors.

"Masseur" or "masseuse" means any person who engages in the practice of message as herein defined. The use of masseur as the masculine gender shall include in all cases the feminine gender (also known as "masseuse") as well.

"Patron" means any person over eighteen (18) years of age who receives a message under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

"Persons" means any individual, copartnership, firm, association, joint stock company, corporation or combination thereof of whatever form or character.

"Permittee" means the operator of a massage establishment.

"Recognized school" means any school or institution of learning which has, for its purpose, the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than one hundred (100) hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

"Sexual area" means the genitalia, pubes or anus of any person and the breasts of any female person. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-1)

Section 5.24.020 Permit required.

A. Business Permit Required. No person shall engage in or carry on the business of massage unless he has a valid massage establishment permit issued by the city pursuant to the provisions of this chapter for each and every separate massage establishment.

B. Masseur' s Permit Required. No person shall practice massage as a masseur, employee or otherwise, unless he has a valid and subsisting masseur' s permit issued to him by the city, pursuant to the provisions of this chapter. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-2)

Section 5.24.030 Application for massage establishment permit.

Any person desiring a massage establishment permit shall file a written application with the police chief on a form to be furnished by the police chief. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

A. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise;

B. The name, style and designation under which the business or practice is to be conducted;

C. The business address and all telephone numbers where the business is to be conducted;

D. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business;

E. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent of the stock of the corporation, each officer and each director, if the applicant is a corporation and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business.

1. Name, complete residence address and residence telephone numbers,
2. The two previous addresses immediately prior to the present address of the applicant,
3. Written proof of age,
4. Height, weight, color of hair and eyes, and sex,
5. Two front-face portrait photographs taken within thirty (30) days of the date of the application and at least two inches by two inches in size,

6. The massage or similar business history and experience, including, but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation,

7. All criminal or city ordinance violation convictions, bond forfeitures or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition, and the circumstances thereof,

8. A complete set of fingerprints taken and to be retained on file by the chief of police or his authorized representatives,

9. Diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will administer massage in each massage establishment for which a permit is requested;

F. If the applicant is a corporation, or if the applicant is a partnership and a partner of the partnership is a corporation, provide the name of the corporation as set forth in its certificate of incorporation and provide copies of the corporation's articles of incorporation, certificate of incorporation, certificate of authority to do business in the state of Illinois if the corporation is a foreign corporation, and Certificate of Goodstanding from the Illinois Secretary of State;

G. Such other information, identification, and physical examination of the person as shall be deemed necessary by the chief of police to discover the truth of the matters hereinbefore required to be set forth in the application;

H. Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;

I. The names and addresses of three adults who will serve as character references. These references must be persons other than relatives and business associates. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-3)

Section 5.24.040 Application for masseur's permit.

Any person desiring a masseur's permit shall file a written application with the chief of police on a form to be furnished by the chief of police. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

A. The business address and all telephone numbers where the massage is to be practiced.

B. The following personal information concerning the applicant:

1. Name, complete residence address and residence telephone numbers,
2. The two previous addresses immediately prior to the present address of the applicant,

3. Written proof of age,

4. Height, weight, color of hair and eyes, and sex,

5. Two front-face portrait photographs taken within thirty (30) days of the date of application and at least two inches by two inches in size,

6. The massage or similar business history and experience, including, but not limited to whether or not such person in previously operating in this or other city or state under license or permit has had such license or permit denied, revoked or suspended and the reason(s)

therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation,

7. All criminal or city ordinance violation convictions, bond forfeitures or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition, and the circumstances thereof,

8. A complete set of fingerprints taken and to be retained on file by the chief of police or his authorized representatives,

9. Diploma, certificate or other written proof of graduation from a recognized school where the theory, method, profession or work of massage is taught,

10. A statement in writing from a physician licensed in this state that he has examined the applicant and believes the applicant to be free of all communicable diseases;

C. Such other information, identification, and physical examination of the person deemed necessary by the chief of police in order to discover the truth of the matters hereinbefore required to be set forth in the application;

D. Authorization for the city, its agents and employees to obtain verification of the statements set forth in the application and the qualifications of the applicant for the permit;

E. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the city. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-4)

Section 5.24.050 Approval by chief of police.

Upon receiving the application for a massage establishment, masseur or masseuse permit, the Chief of Police shall conduct an investigation into the applicant's moral character and personal and criminal history. The investigation shall include a Federal Bureau of Investigation (FBI) criminal history background investigation. If the applicant is a corporation or limited liability company, an FBI criminal history investigation shall be required for each manager, officer, director and shareholder owning in the aggregate more than five percent (5%) of the stock of the company or corporation. If the applicant is a copartnership, an FBI criminal history investigation shall be required for each general partner or limited partner owning in the aggregate more than a five percent (5%) interest in the partnership. The applicant shall remit payment of the fee required by the City for the FBI investigation and investigative report, which fee shall be established in Title 18 of the City's Municipal Code (same being the ordinance of the City which annually sets license and other fees and charges of the City) as from time to time in effect. The applicant (and each other person for whom a background investigation is required) shall sign the required forms for the FBI investigation(s), and be fingerprinted on the required FBI fingerprint card at the time the applicant applies for the permit. No action will be taken on the application until the Police Chief has received the FBI report(s) with regard to the criminal history investigation(s) pertaining to the applicant and any other person for whom a background investigation is required. The application shall be denied in the event the FBI investigative report indicates the criminal history of the applicant or any other person for whom a background investigation is required disqualifies the applicant from receiving the license. The Chief of Police, in his discretion, may require a personal interview of the applicant, and such further information, identification and physical examination of the person applying for a masseur or masseuse permit as shall bear on the investigation.

In the case of applications for massage establishment permits, the chief of police may cause to be conducted an inspection and investigation of the proposed massage establishment premises, by the city's building inspector, electrical inspector, plumbing inspector and health

officer, for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in the code and ordinances of the city which regulate public health, safety and welfare. No massage establishment shall be issued a permit, nor be operated, established or maintained in the city unless an inspection by the city building inspector, (and if required by the chief of police or building inspector, then by the electrical inspector, plumbing inspector and health officer) reveals that the establishment complies with each of the following minimum requirements:

A. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the city of Columbia.

B. All therapeutic massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

C. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and therapeutic massage room facilities shall be provided for male and female patrons.

D. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering therapeutic massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

E. Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering therapeutic massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinet shall be kept separate from the clean storage areas.

F. Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

G. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.

H. The premises shall be equipped with a service sink for custodial services. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-5)

(5.24.050 (Ord. 2288), Amended, 08/16/2004)

Section 5.24.060 Issuance or denial of massage establishment permit or masseur permit.

The chief of police shall issue a massage establishment permit and/or masseur permit within forty-five (45) days of receipt of the application, unless he finds that one or more of the following exists:

A. The correct permit fee has not been tendered to the city, and in the case of a check or bank draft, honored with payment upon presentation;

B. The operation, as proposed by the applicant, if permitted would not comply with all applicable laws, including, but not limited to the city's building, zoning and health regulations and this chapter;

C. The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock of the corporation, any of the officers and directors, if the applicant is a corporation, any of the partners, including limited partners, if the applicant is a partnership; and

the manager or other person principally in charge of the operation of the business have been convicted of any crime or placed on court supervision or similar disposition for:

1. An offense involving sexual misconduct,
2. Keeping or residing in a house of ill fame,
3. Solicitation of a lewd or unlawful act,
4. Prostitution or pandering, or
5. Any crime involving dishonesty, fraud or deceit; except that, the chief of police,

in his discretion, may issue a permit to any person found guilty of such crimes if he finds that such conviction occurred at least five years prior to the date of the application and that the applicant is sufficiently rehabilitated and has had no subsequent convictions of the same or similar offenses;

D. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith;

E. The applicant has had a massage establishment, masseur, or other similar permit or license denied, revoked or suspended for any of the above causes by the city or any other state or local agency within five years prior to the application date;

F. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other persons principally in charge of the business, is not over the age of eighteen (18) years;

G. Each person who performs or administers massages for customers for compensation on business premises in the city has not successfully completed a resident course of study or learning of not less than one hundred (100) hours from a recognized school where the theory, method, profession, or work of massage is taught; and,

H. The applicant fails to provide the chief of police with the health certificates for all masseurs and masseuses who are to perform massage services at the massage establishment as required by Section 5.24.140(M). (Ord. 1414 § 1 (part), 1996: prior code § 7-6-6)

I. The applicant purposes to perform or has been determined to have been performing massage services for compensation **as a home occupation from a dwelling unit in the City**. Notwithstanding anything contained in Section 17.46.010 (Home occupations - generally) of Chapter 17.46 (HOME OCCUPATIONS) of Title 17 (ZONING) of the City's Municipal Code, the performing of massage services shall not be an authorized home occupation that may be performed **from** a dwelling unit in the City. **Notwithstanding anything contained in this paragraph 1 of this Section 5.24.060 of the City's Municipal Code shall, however, prohibit a City licensed masseur or masseuses from administering massages at a customer's dwelling or other location where a patron is located and has requested the rendering of such service.**

(5.24.060 (Ord. 2240), Added, 03/01/2004, Added Subsection "I"; Ord. 2240, Amended, 03/01/2004)

Section 5.24.070 Display of permits.

The massage establishment permittee shall display his permit, and that of each and every masseur employed in the establishment, in an open and conspicuous place on the premises of the massage establishment. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-7)

Section 5.24.080 Identification card.

The chief of police shall provide each masseur granted a permit with an identification card which shall contain a photograph of the masseur and the full name and permit number

assigned to the masseur, which must be worn on the front of the outermost garment of the masseur at all times during the hours of operation of any massage establishment granted a permit under this chapter. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-8)

Section 5.24.090 Fees.

Every applicant for a permit to maintain, operate or conduct a massage establishment shall pay a nonrefundable filing fee to the city clerk in the amount and for the term from time to time to be set by city ordinance, for each massage establishment for which a permit is requested and for each masseur for which a permit is requested. Each application for a massage establishment permit and masseur permit should be accompanied by a receipt from the city clerk showing payment of the required fees when the application is filed with the chief of police.

Upon completion of the necessary investigation and inspections by the chief of police and building inspector and other necessary city officials whose inspection is required by the chief of police or building inspector (such as the electrical inspector, plumbing inspector and health officer), after payment of the required massage establishment permit fee and masseur's permit fee(s) to the city clerk and presentation of proof of payment thereof to the chief of police, the chief of police shall issue a permit to maintain, operate or conduct a massage establishment and/or a masseur's permit to each applicant and on-premises masseur unless he finds:

A. That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including, but not limited to the building, health, plumbing, housing, zoning and fire codes of the city and this chapter of the business code of the city;

B. That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of:

1. An offense involving sexual misconduct,
2. Keeping or residing in a house of ill fame,
3. Solicitation of a lewd or unlawful act,
4. Prostitution or pandering, or
5. Any crime involving dishonesty, fraud or deceit.

Every massage establishment permit issued pursuant to this chapter will terminate on the thirtieth day of April next after issuance of the permit. The massage establishment permit will have to be annually renewed thereafter on or before May 1st of each year upon payment of the annual massage establishment permit fee and masseur's permit fee(s) required by the fee ordinance, if the massage establishment permit is issued by the chief of police. The fees to be collected for permits that are issued for less than twelve (12) calendar months shall be prorated from the date of issuance to date of termination and a fee assessed for each month or part of a month that will elapse between date of issuance and date of termination. If the chief of police issues the initial massage establishment permit the filing fee paid shall be applied to the permit fee due. (Amended during 1997 codification; prior code § 7-6-9)

Section 5.24.100 Revocation or suspension of permit.

Any massage establishment or masseur's permit issued under this chapter shall be subject to suspension or revocation by the chief of police for violation of any provision of this chapter, or for any grounds that would warrant the denial of issuance of such permit in the first place. The chief, upon such revocation or suspension, shall state his reason(s) in writing, specifying the particular grounds for such revocation or suspension.

Any violation of this chapter by any employee of the permittee, including a masseur,

shall be cause for suspension of the massage establishment permit and/or masseur permit, as the case may be, for not more than thirty (30) days for the first violation. Any subsequent violation of this chapter by any employee of the permittee, including a masseur, shall be cause for longer suspension or revocation of the massage establishment permit and/or masseur permit, as the chief of police shall determine and decide.

The chief of police, before revoking or suspending any permit, shall give the permittee at least ten days written notice of the charges against him or her and the opportunity for a public hearing before the chief of police, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

The decision of the chief of police with regard to issuance, suspension or revocation of any permit under this chapter shall be reviewable by the ordinance committee of the city council, upon the written request of the party filed with the city clerk within ten days of such refusal, revocation or suspension. The ordinance committee shall review evidence previously submitted to the chief of police, and any additional evidence presented with the written request for review. The decision of a majority of the ordinance committee holding office upon such review shall be a final order of the city regarding the issuance, suspension or revocation of the permit. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-10)

Section 5.24.110 Keeping of records.

Every person who operates a massage establishment or practices or provides a massage shall, at all times, keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the chief of police or his authorized representative(s). (Ord. 1414 § 1 (part), 1996: prior code § 7-6-11)

Section 5.24.120 Transfers prohibited.

No massage establishment permit and/or masseur permit shall be transferrable, and such authority as a permit confers shall be conferred only on the permittee named therein. However, upon the death or incapacity of the manager of a massage establishment the massage establishment permit may continue in effect and the business be allowed to continue to operate for forty-five (45) days after the death or incapacity to allow for the chief of police to determine whether the new manager meets the qualifications of this chapter for operation of the massage establishment. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-12)

Section 5.24.130 Sanitation and safety requirements.

All premises used by permittees hereunder shall be periodically inspected by the city's health officer, chief of police and/or the building inspector or their authorized representative(s) for the sanitation of the massage establishment, compliance with the provisions of this chapter, and safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one patron. Heavy white

paper may be substituted for sheets, provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room booth, or any area within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statutes or ordinances concerning the maintenance of premises, nor to preclude authorized inspection thereof. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-13)

Section 5.24.140 Supervision and operating requirements.

A. A permittee shall be personally responsible for the operation of their business and shall not violate, or permit others under their supervision and control to violate any applicable provisions of this chapter. The violation of any such provision by any agent or employee of the permittee shall constitute a violation by the permittee as well. Where the primary business being conducted on the business premises is the rendering of massage services (rather than massage service being an ancillary or collateral business service being provided on the business premises) a permittee shall be responsible to have the premises supervised at all times when opened for business and shall have at least one (1) person who qualifies as a masseur or a masseuse on the premises at all times when the establishment is open for business.

B. All employees, including masseurs and masseuses, shall be clean and wear opaque (not translucent and not transparent) outer garments covering the sexual areas. The use of garments worn by masseurs or masseuses is to be restricted to the massage establishment. Any person applying or administering massages shall, while so administering massages, be clad from the shoulders to the knee by a robe, smock or other opaque garment so that the patron or customer shall be protected from bodily contact with the person applying or administering the massage, except for the hands and arms of said person applying or administering the massage.

C. The sexual area of patrons must be covered by towels, cloths or undergarments whenever the patron is in the presence of another person, including a masseur, masseuse or employee.

D. It is unlawful for any person in a massage establishment to place his or her hand upon, to touch with any part, clad or unclad of his or her body, to fondle in any manner, or to massage a sexual area of any person.

E. No person, including a masseur or masseuse, employee or establishment permittee, shall perform or agree to perform any act which would require the touching of the patron's sexual area. It shall be prohibited for any person to massage any other person, or to give or administer any bath or baths, or to give or administer any of the procedures or services set forth in Section 5.24.010 for immoral purposes, or in a manner intended to arouse, appeal to or gratify the lust or passions or sexual desires of such other persons.

F. No owner or manager of a massage parlor shall authorize or tolerate in his or her establishment any activity or behavior prohibited by the laws of the state of Illinois, or the ordinances of the city, including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance. Any conviction of the manager or of any employee of a massage parlor of a violation of the aforementioned laws and ordinances shall be grounds for suspension or revocation of the permit of the establishment as herein provided.

G. No massage establishment granted a permit under the provisions of this chapter shall place, publish, or distribute or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available, other than that prescribed in Section 5.24.010, or that employees, masseurs or masseuses are dressed in any manner other than that prescribed in subsection A of this section, nor shall any massage establishment indicate in the text of such advertising that any services are available which are prohibited by this chapter, or other than

those services described in Section 5.24.010.

H. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

I. Eating in the massage work areas shall not be permitted. Animals, except for seeing eye dogs, shall not be permitted in the massage work areas.

J. No masseur shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruptions unless a physician duly licensed by the state of Illinois certifies in writing that such person may be safely massaged and prescribing the conditions thereof.

K. Each masseur shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.

L. All massages and services rendered by the permittee, its agents, employees, and masseurs, shall be done exclusively at the massage establishment for which a business permit has been issued by the city and may not be performed off the premises of the massage establishment.

M. All persons who are to perform the services of a masseur or masseuse at a massage establishment, shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea and test or tests which will demonstrate freedom from tuberculosis, all of which are to be made and interpreted by a licensed physician acceptable to the chief of police as well as such other tests done in a laboratory, as may be necessitated by the above examination. All such persons shall then furnish to the chief of police a certificate based upon the applicant's physical examination and issued within thirty (30) days of such examination, signed by a physician duly licensed by the state of Illinois and stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of such diseases to others by close physical contact. Such persons shall undergo the physical examination referred to above and submit to the chief of police the certificate required herein prior to commencement of their employment and at least once every six months thereafter. For the purpose of this chapter, a "communicable disease" shall be defined by the Illinois Department of Public Health in Circular 5000, as amended and revised, which constitutes part of the rules and regulations promulgated by the Department, pursuant to the authority of the Public Health Act of the state of Illinois. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-14)

(5.24.140 (Ord. 2240), Amended, 03/01/2004)

Section 5.24.150 Persons under age eighteen prohibited on the premises.

No permittee or manager of a massage establishment shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage establishment, as masseur, employee or patron, or otherwise, unless such person is on the premises on lawful business. Notwithstanding the foregoing provision, in the event more than one business is operated on the same business premises, the massage establishment on the premises must be maintained and operated separate from all other businesses on the premises and shall be separated by permanent walls or other structures which clearly delineate the massage establishment from other businesses on the premises. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-15)

Section 5.24.160 Alcoholic beverages prohibited.

No person shall sell, give or dispense, provide or keep or cause to be sold, given,

dispensed, provided or kept, any alcoholic beverage on the premises of any massage establishment. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-16)

Section 5.24.170 Inspections.

Every massage establishment shall, at all times it is open to the public, be held open for inspection by duly authorized representatives of the city concerned with the licensing and supervision of such establishments. The chief of police and/or the health officer shall from time to time, and at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purposes of determining that provisions of this chapter are met. No permittee shall fail to allow the chief of police or health officer access to the premises or hinder such officers in making their inspection in any manner. Any massage establishment licensed by the city shall, at all times, comply with all health regulations, rules and requirements as are now in effect and as shall be promulgated by the Illinois Department of Public Health. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-17)

Section 5.24.180 Exceptions.

The provisions of this chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of the state of Illinois, or persons working under the direction of any such person in any such establishment, nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state of Illinois. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-18)

Section 5.24.190 Maintaining public nuisance.

Any building used as a massage establishment in violation of this chapter, together with all fixtures and other property used in violation of this chapter are declared to be a public nuisance which may be abated by injunctive relief by a court of competent jurisdiction. (Ord. 1414 § 1 (part), 1996: prior code § 7-6-19)

Section 5.24.200 Violations--Penalties.

Any person, firm or corporation violating any of the provisions of this chapter, upon conviction, shall be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00) for each violation. Each day a violation persists shall be deemed a separate violation.

(Ord. 1414 § 1 (part), 1996: prior code § 7-6-20)
(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 5.26**ADULT USE LICENSING AND REGULATION****Sections:**

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5.26.120	Adult entertainment cabarets--Restrictions.
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5.26.140	Hours of operation.

Section 5.26.010 Purpose.

The purpose of this chapter is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The city recognizes that such regulation cannot in effect prohibit such uses. This chapter has balanced the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses. (Ord. 1718 § 1 (part), 1999)

Section 5.26.020 Definitions.

"Adult bookstore" means an establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

"Adult entertainment cabaret" means a public or private establishment which (i) features topless dancers, strippers, go-go dancers, male or female impersonators, lingerie or bathing suit fashion shows; (ii) not infrequently features entertainers who display specified anatomical areas; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of, specified sexual activities.

"Adult motion picture theater" means a building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

"Adult novelty store" means an establishment having a substantial or significant portion

of its sales or stock in trade consisting of toys, devices, clothing, novelties, lotions and other items distinguished or characterized by their emphasis on or use for specialized sexual activities or specified anatomical areas or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

"Adult use" means adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.

"Employee" means employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

"Specified anatomical areas" for the purpose of this section, means:

1. Less than completely and opaquely covered: (i) human genitals; (ii) pubic region; (iii) buttock; (iv) female breasts below a point immediately above the top of the areola; and

2. Human male genitals in a discernable turgid state even if completely and opaquely covered.

"Specified criminal activity" means the offenses specified as follows:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; all as is defined in the Illinois Criminal Code or any similar offenses to those described above under the criminal or penal code of other states or countries;

2. For which (i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense; (ii) less than five years have elapsed since the date of conviction or the date of release from confinement for conviction whichever is the later date, if the conviction is a felony offense; or (iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurred within any twenty-four (24) month period;

3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

"Specified sexual activities" for the purpose of this section means: (i) human genitals in the state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse or sodomy; and (iii) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts. (Ord. 1718 § 1 (part), 1999)

Section 5.26.030 License required.

A. It is unlawful for any person to operate an adult use without a valid adult use business license issued by the city pursuant to this chapter.

B. An application for a license shall be made on a form provided by the city.

C. All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the city to determine whether the applicant meets the qualifications established in this chapter.

D. If a person who wishes to operate an adult use is an individual the person must sign the application for a license as applicant. If a person who wishes to operate an adult use is

other than the individual, each individual who has a twenty (20) percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

E. The completed application for an adult use business license shall contain the following information:

1. If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen (18) years of age;

2. If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any, shall be submitted with the application;

3. If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, and the name and address of the registered corporate agent.

F. If the applicant intends to operate the adult use business under a name other than that of the applicant; he/she must state (i) the business' fictitious name and (ii) submit any required registration documents.

G. Whether the applicant has been convicted of any specified criminal activity as defined in this chapter and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

H. Whether the applicant has had a previous license under this chapter or similar ordinances from another city or county denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or similar ordinance in another jurisdiction or an officer, director or principal stockholder of a corporation that is or was licensed under this chapter and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

I. Whether the applicant holds any other licenses under this chapter or other similar ordinance from another city or county and if so the names and locations of such other licensed businesses.

J. A sketch or diagram showing the configuration of the premises including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises. (Ord. 1718 § 1 (part), 1999)

Section 5.26.040 Issuance of license.

Within thirty (30) days after receipt of a completed adult use business license application, the city shall approve or deny the issuance of a license to an applicant. The city shall approve the issuance of a license unless it determines by a preponderance of the evidence any one or more of the following exist:

1. The applicant is under eighteen (18) years of age;

2. The applicant is over due in payment to the city of fees, fines or penalties assessed against or imposed upon him/her in relation to any business;

3. The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;

4. The applicant has been denied a license by the city to operate an adult use

business within the preceding twelve (12) months or whose license to operate an adult use business has been revoked within the preceding twelve (12) months;

5. The applicant has been convicted of a specified criminal activity defined in this chapter;

6. The premises to be used for the adult use business has not been approved by the fire protection district and/or the building inspector or fire marshall as being in compliance with applicable laws and ordinances;

7. The license fee required by this chapter has not been paid;

8. The applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter;

9. The applicant fails to allow and provide for free and unobstructed access to the premises and building or buildings located on the premises for which the adult use license is sought for city agents, officers and employees who are required to inspect the premises for compliance with the city's codes and ordinances.

B. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

C. The fire protection district and code enforcement officers shall complete their certification that the premises is in compliance or not in compliance with city codes within twenty (20) days of receipt of the application by the city.

D. No adult use business license shall be issued unless the premises at which the adult use will operate is in conformance with the restrictions set forth in the Columbia zoning ordinance, including Sections 17.04.010 and 17.40.030 thereof, as amended. (Ord. 1718 § 1 (part), 1999)

Section 5.26.050 Fees.

Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee in the amount established by the city ordinance establishing the fees and charges to be assessed for city services, being currently Ordinance No. 1649, as hereafter amended. (Ord. 1718 § 1 (part), 1999)

Section 5.26.060 Inspection.

A. An applicant or licensee shall permit representatives of the police department, fire protection district, building department or other city or city designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the law any time it is occupied or open for business.

B. A person who operates an adult use or his agent or employee violates this chapter if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business. (Ord. 1718 § 1 (part), 1999)

Section 5.26.070 Expiration of license.

A. Each license shall expire on the 1st day of May after it was issued and may be

renewed only by making application as provided in Section 5.26.030. Application for renewal shall be made at least thirty (30) days before the expiration date and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

B. If the city denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license. (Ord. 1718 § 1 (part), 1999)

Section 5.26.080 Suspension.

The city may suspend a license for a period not to exceed thirty (30) days if, after a hearing, it determines that a licensee or an employee of a licensee (i) violated or is not in compliance with any section of this chapter; (ii) refused to allow an inspection of the adult use business premises as authorized by this chapter; or (iii) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this chapter, no hearing is necessary prior to suspension of the license. (Ord. 1718 § 1 (part), 1999)

Section 5.26.090 Revocation.

A. The city shall revoke a license if a cause of suspension in Section 5.26.080 occurs and the license has been suspended within the preceding twelve (12) months or if the licensee is convicted of any specified criminal activity.

B. The city shall revoke a license if it determines, after a hearing, that:

1. A licensee gave false or misleading information in the material submitted during the application process;

2. A licensee has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

3. A licensee has knowingly allowed prostitution on the premises;

4. A licensee knowingly operated the adult use business during a period of time when the licensee's license was suspended;

5. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

6. A licensee is delinquent in payment to the city, county or state for any taxes or fees past due; or

7. A licensee has knowingly or intentionally facilitated another in the commission of the offense of public indecency.

C. If the city revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult use business license for one year from the date the revocation became effective. If subsequent to revocation, the city finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

D. After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license; the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction. (Ord. 1718 § 1 (part), 1999)

Section 5.26.100 Transfer of license.

A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license. (Ord. 1718 § 1 (part), 1999)

Section 5.26.110 Business records.

All adult uses shall file a verified report with the city showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of two years the names, addresses and ages of all persons employed, including independent contractors, by the licensee. (Ord. 1718 § 1 (part), 1999)

Section 5.26.120 Adult entertainment cabarets--Restrictions.

All dancing and other performances shall occur on a stage intended for that purpose which is raised at least two feet from the level of the floor. No dancing or other performances shall occur closer than within ten feet of any patron. In addition, no performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any performer. No patron shall directly pay or give any gratuity to any performer and no performer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to performers by placing the gratuity on the stage. (Ord. 1718 § 1 (part), 1999)

Section 5.26.130 Video viewing booths--Restrictions.

No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions of a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment. (Ord. 1718 § 1 (part), 1999)

Section 5.26.140 Hours of operation.

No adult use shall be open prior to ten a.m. or after twelve a.m. Ord. 1718 § 1 (part), 1999)

Chapter 5.28**OIL AND GAS WELLS****Sections:**

- 5.28.010** **Permit required.**
- 5.28.020** **Regulations covering granting of permit.**
- 5.28.030** **Refusal of permit.**
- 5.28.040** **Payments to certain owners of property for which permit is issued.**
- 5.28.050** **Granting of permit in case of more than one applicant--Bond.**
- 5.28.060** **Lease required before permit is issued--Cancellation of permit.**
- 5.28.070** **Insurance premiums.**
- 5.28.080** **Drilling in or obstructing streets.**
- 5.28.090** **Storage tanks.**
- 5.28.100** **Permittees contract with owner of property.**
- 5.28.110** **Operational requirements-- Supervision.**
- 5.28.120** **Completion requirements.**
- 5.28.130** **Inspections.**
- 5.28.140** **Application--Deposit--Bond.**

Section 5.28.010 Permit required.

It is unlawful for any person, firm or corporation to drill or commence to drill or to operate a well for oil and gas within the corporate limits of the city, or to work upon or assist in any way in the drilling or operating or the prosecution of work upon any such well, without a permit for such well and for the development and operation thereof having first being secured in accordance with the terms of this chapter. (Prior code § 28-1-1)

Section 5.28.020 Regulations covering granting of permit.

Within the corporate limits of the city, there shall be issued only one permit for one well in each one-half platted block or one well in any parcel or combination of parcels of land equal in area to no less than one-half of the entire area of the block in which such parcel or parcels of land are situated; provided, however, that in any platted block containing more than four acres, a permit may be granted for an additional well in such block for any additional area containing no less than two acres; and provided further, that where any block, as platted, is divided by alleys into more than two parts, then a permit for one well may be granted for each and every part of such block; and provided further, that where more than one well has been heretofore drilled or commenced in any one-half block, then an additional permit or permits may be issued for the drilling of a well or wells to offset the well or wells heretofore so drilled or commenced; provided, that such offset well or wells shall be located in the same block as the well or wells to be offset, or within two hundred (200) feet of such block; and provided further, that where more than one well shall be drilled beyond the city limits line, and within four hundred (400) feet thereof, on land either immediately adjacent to any platted block or unplatted tract within the city, or separated therefrom by a street, alley or highway, then a permit may be issued for the drilling of an additional well in said block or tract, at a location not more than two hundred (200) feet from the city limits line, to offset the additional well or wells that shall be so drilled on said land situated outside the city; and provided further, that where more than one producing oil or gas sand shall be found in any block a permit may be granted for one well to each of such sands for the same area or areas as hereinabove defined. (Prior code § 28-1-2)

Section 5.28.030 Refusal of permit.

The city council shall have the right, power and authority to refuse any application for a permit where, by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the block or area of land in question, or adjacent thereto and the use to which the land and surroundings are adapted, or for sanitary reasons, the drilling of an oil or gas well would, in the judgment of the city council, be a serious detriment to the city and the welfare of its inhabitants. (Prior code § 28-1-3)

Section 5.28.040 Payments to certain owners of property for which permit is issued.

In case a permit for the drilling of a well is is-issued to a person, firm or corporation not holding oil and gas leases or drilling contracts with the owners of all lots within a one-half block or area of land equal thereto, as defined in the section setting forth regulations covering the granting of permits in this chapter, then it shall be a condition of the permit that the permittee, his or its assigns and successors shall deliver to the credit of each of such owners whose land shall not be under lease to such permittee, free of cost in the pipeline to which the well may be connected, a pro-rata share in the royalty of all oil produced and saved from such well, equal to no less than one-eighth royalty, in the proportion that the area of land so owned bears to the entire area of such one-half block or area of land, exclusive of the streets and alleys and a like proportion of the proceeds of gas and casing head gas produced from the well and used off the premises if such owner or owners desire to have and take the same. (Prior code § 28-1-4)

Section 5.28.050 Granting of permit in case of more than one applicant--Bond.

In case there are applications by more than one applicant filed with the city clerk and pending at the same time for permits to drill in any one-half block, or area of land equal thereto, as defined in the section setting forth regulations covering the granting of permits, in this chapter, that application shall be granted, if otherwise sufficient, which shall be made by the person, firm or corporation holding the greater area of the land in the one-half block or area, by lease or other contract with the owner or owners permitting the drilling thereon for oil and gas; but in case a permit be issued to a person, firm or corporation which does not hold lease or other valid drilling contract in writing from the owners of all the land within the one-half block or area of land equal thereto then any owner of the unleased land in the one-half block or area equal thereto, and any person, firm or corporation other than the permittee holding oil and gas leases on land in the one-half block or area equal thereto, shall have the right to share in the ownership and benefits of such oil and gas wells in the proportion that the area of his or its land or lease bears to the area of the one-half block, or area equal thereto, exclusive of streets and alleys; provided, that within ten days from the date of the issuance of such permit, he or it shall file with the city clerk his or its election, in writing, to pay to the holder of the permit or his or its assigns, a like proportion of the total cost and expense of drilling, completing and operating a well and shall, within that time, make and file with the city clerk, a bond with an authorized surety company as surety, and in an amount representing that portion of the estimated maximum cost of the well that the area of ground held or owned under lease by the principal bears to the whole area of the one-half block or area equal thereto, conditioned that the principal in the bond pay to the permittee and his assigns, such proportion of the cost of drilling and operating of the well, from time to time as

required in the operations, such bond to be approved by the mayor and held by the city clerk for the benefit of all persons interested.

If an application be found by the council to comply in all respects with the terms of this chapter, the city council shall be authorized to issue a permit for the drilling of the well applied for. The permit shall specify the particular location of the well to be drilled and it is unlawful for the permittee to drill elsewhere in the block. In case such permit is not granted, the inspection fee filed with the application shall be returned or refunded to the applicant. (Prior code § 28-1-5)

Section 5.28.060 Lease required before permit is issued--Cancellation of permit.

No permit shall be granted or issued for the drilling of a well except upon ground held by the applicant under an oil and gas lease or drilling contract from the owner, giving the owner's permission to drill the well; and when a permit shall have been issued, the same shall terminate and become inoperative without any action on the part of the council, unless within thirty (30) days from the date of issue, actual drilling of the well shall have commenced and the cessation for a like period of the drilling operations, or the cessation of production of oil or gas from the well after production shall have commenced, shall operate or terminate and cancel the permit, and the well shall be considered as abandoned for all purposes of this chapter, and it shall be unlawful thereafter to continue the operation or drilling of such well without the issuance of another permit. (Prior code § 28-1-6)

Section 5.28.070 Insurance premiums.

Every person, firm or corporation securing a permit under the provisions of this chapter for the drilling and operating of any well or wells, shall pay to the owner or owners of any buildings, improvements, goods or chattels so located that the insurance rates or premium have been increased by reason of maintaining or operating of such well or wells any extra cost of fire insurance on such property caused by the operations carried on under and by virtue of any such permit, and shall pay also, any and all damages suffered by any person as to property within the city from fire, over and above insurance collected thereon, or damages from oil, gas or water caused by originating from the operation connected with such well or wells. (Prior code § 28-1-7)

Section 5.28.080 Drilling in or obstructing streets.

It is unlawful to drill any oil or gas well within any of the streets or alleys of the city, or to block or encumber or close up any street or alley in any drilling or production operation, except through a special permit by order of the city council, and then only temporarily. (Prior code § 28-1-8)

Section 5.28.090 Storage tanks.

No tanks or other facilities for the storage of oil produced from any well or wells within the city shall be kept, erected or maintained within the limits of the city having a capacity in excess of five hundred (500) barrels; and no wooden tanks for such purpose shall be erected or maintained within the city. (Prior code § 28-1-9)

Section 5.28.100 Permitees contract with owner of property.

Neither this chapter, nor any permit issued hereunder shall be interpreted to grant any right or license to the permittee to enter upon or occupy in any respect, in drilling or production operations, any land, except upon the written consent of the owners; nor shall it limit or prevent the free right of any property owner to contract for the amount of royalties to be paid with respect to his own land or for damages, rights or privileges with respect thereto. (Prior code § 28-1-10)

Section 5.28.110 Operational requirements-- Supervision.

In operating by virtue of any permit issued under this chapter or amendments thereto, all oil, gas or water produced or arising from such operations shall be piped or otherwise conveyed or removed from the corporate limits of the city, except in connection with the ordinary use of a slush pond. No waste or sludge water shall be permitted to empty into any sanitary sewer. All excavations in, or use of the streets or alleys under such operations shall be under the direction of the street department, and done without obstruction of the streets, or without cost or expense to the city. (Prior code § 28-1-11)

Section 5.28.120 Completion requirements.

Within thirty (30) days after any oil or gas well within the limits of the city shall have been completed for production of oil or gas, or within thirty (30) days after the same shall have been completed in cases where the same is abandoned for the reason that a dry hole is found, the slush pit shall be filled with dirt and leveled off. (Prior code § 28-1-12)

Section 5.28.130 Inspections.

Any officer or employee of the city, designated for that purpose, shall have the right and privilege at any time to enter upon the premises covered by any permits issued under this chapter, for the purpose of making inspections to determine if the requirements of this chapter are being complied with, or the requirements of any other code of the city relating to the health and safety of persons or property within the city. (Prior code § 28-1-13)

Section 5.28.140 Application--Deposit--Bond.

Any person, firm or corporation desiring to obtain a permit for the drilling or operating of any oil or gas well within the city shall make written application therefor to the city council and file the same with the city clerk, which application shall be accompanied with a deposit of one hundred dollars (\$100.00) in cash, or a certified check for said amount as an inspection fee, in case the permit is granted. All such applications shall be made upon forms prescribed and provided for such purpose by the city and each such application shall be duly signed, and executed by the applicant and shall be verified under oath by the applicant or by some person

duly authorized on behalf of the applicant.

A separate application shall be made and filed as to each well proposed to be drilled and every such application shall, among other things, show the lot and particular point where the proposed well is to be located, and in addition shall have attached to it, or be accompanied by copies of all oil and gas leases or other drilling contracts which the applicant may have with the owners of land within the block and also a map covering the platted block or the tract of land where the proposed well is to be located, indicating thereon the lots or land covered by such leases or contracts and the particular point where such well is to be drilled.

The application shall also be accompanied by, or show that the applicant has on file in the office of the city clerk, a duly executed and approved bond given by the applicant as principal and a surety company authorized to do business in the state of Illinois, as surety, running to the city for the benefit of the city and all persons, firms and corporations concerned, duly conditioned that if the permit be granted, the applicant and his or its assigns will comply with the terms and conditions of this chapter in the drilling of the well, as herein provided; that the applicant will restore the streets and sidewalks and other public places of the city which may be disturbed in the operations to their former condition, will clear the block and lots of all litter, machinery, derricks, buildings, oil and other substance erected, used or allowed in the drilling or producing operations, whenever the well shall be abandoned or the operations thereof shall be discontinued; and will pay the city for any and all damages done to the trees, sidewalks, paving or other public property, and will also pay to the city, any increase in cost of insurance on any building, improvements, goods or chattels, owned by the city and so located that the insurance rates or premium will be increased by reason of the drilling, maintaining or operating of such well or wells; and will hold the city harmless from any and all liability growing out of the granting of such permit. Such bond shall be in the sum of five thousand dollars (\$5,000.00) and shall be approved by the mayor and filed with the city clerk, and shall be kept in force and effect as long as such well or wells are continued in operation. (Prior code § 28-1-14)

Chapter 5.32

PEDDLERS

Sections:

5.32.010 License required.

5.32.020 Peddle defined.

5.32.030 Applications.

5.32.040 Investigation of applicants.

Section 5.32.010 License required.

It is unlawful for any person, firm, or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor. (Prior code § 7-4-1)

Section 5.32.020 Peddle defined.

"Peddle" means the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the city or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken. (Prior code § 7-4-2)

Section 5.32.030 Applications.

A person desiring a license may obtain the same by making application with the city clerk and providing the following information:

- A. Name and physical description of applicant;
- B. Permanent home address and local address if operating from such an address;
- C. A brief description of the business and of the goods to be sold;
- D. Name and address of the employer, if any;
- E. The length of time for which the right to do business is desired;
- F. Evidence that the agent is acting on behalf of the corporation he represents;
- G. Statement of the applicant's criminal record, other than a traffic record;
- H. The last three cities and villages where the applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those municipalities. (Prior code § 7-4-3)

Section 5.32.040 Investigation of applicants.

Upon receipt of each application, it shall be referred to the Chief of Police who shall investigate the business, personal and criminal history of the applicant. The investigation shall include a Federal Bureau of Investigation (FBI) criminal history background investigation. If the

applicant is a corporation or limited liability company, an FBI criminal history investigation shall be required for each manager, officer, director and shareholder owning in the aggregate more than five percent (5%) of the stock of the company or corporation. If the applicant is a copartnership, an FBI criminal history investigation shall be required for each general partner or limited partner owning in the aggregate more than a five percent (5%) interest in the partnership. The applicant shall remit payment of the fee required by the City for the FBI investigation(s) and investigative report(s), which fee shall be set by Title 18 of the City's Municipal Code (same being the ordinance of the City which annually sets license and other fees and charges of the City) as from time to time in effect. The applicant (and any other person for whom a background investigation is required) shall sign the required forms for the FBI investigation(s), and be fingerprinted on the required FBI fingerprint card at the time the applicant applies for the peddler's license. No action will be taken on the application until the Police Chief has received the FBI report with regard to the criminal history investigation(s) pertaining to the applicant and each other person for whom a background investigation is required. The application shall be denied in the event the FBI investigative report indicates the applicant or any other person for whom a background investigation is required has a criminal history which disqualifies the applicant from receiving the license.

(5.32.040 (Ord. 2288), Amended, 08/16/2004)

Chapter 5.36

RAFFLES

Sections:

5.36.010	Short title.
5.36.020	Purpose.
5.36.030	Definitions.
5.36.040	License required.
5.36.050	Application for license.
5.36.060	Licensee qualifications.
5.36.070	License issuance.
5.36.080	Operation and conduct of raffles.
5.36.090	Raffles manager--Bonds.
5.36.100	Records.
5.36.110	Relationship to other laws.
5.36.120	Abatement.
5.36.130	Violation--Penalty.
Section 5.36.010	Short title.

This chapter shall be known, cited, and referred to as the "raffle code."

(Ord. 636 § 1 (part), 1987: prior code § 22-1-1)

Section 5.36.020 Purpose.

The purpose of this chapter is to regulate and control the conduct of raffles within the borders of the city. Nothing in this chapter shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

(Ord. 636 § 1 (part), 1987: prior code § 22-1-2)

Section 5.36.030 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Business organization" means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of the community.

"Charitable organization" means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

"City council" means the city council of the city of Columbia.

"Educational organization" means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

"Fraternal organization" means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

"Labor organizations" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in this pursuit and the development of a higher degree of efficiency in their respective occupations.

"Licensee" means an organization which has been issued a license by the city to operate a raffle.

"Net proceeds" means the gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

"Nonprofit" means a license applicant which is organized, operated, and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

"Person" means an individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.

"Raffle" means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 1961 (S.H.A. Ch. 38, § 28-2), conducted by an organization licensed under this chapter, in which:

1. The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance;
2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Religious organization" means any church, congregation, society or organization founded for the purpose of religious worship.

"Veterans organizations" means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(Ord. 636 § 1 (part), 1987: prior code § 22-1-3)

Section 5.36.040 License required.

It is unlawful for any person to conduct or operate a raffle, or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the city and in accordance with the provisions of this chapter.

(Ord. 636 § 1 (part), 1987: prior code § 22-2-1)

Section 5.36.050 Application for license.

A. Any person seeking to conduct or operate a raffle shall file an application therefor with the city clerk on forms provided by the city clerk. The application shall contain the following information:

1. The name, age, address and type of organization;
2. The length of existence of the organization and, if incorporated, the date and state of incorporation;
3. The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle;
4. The aggregate retail value of all prizes to be awarded in the raffle;
5. The maximum retail value of each prize to be awarded in the raffle;
6. The maximum price charged for each raffle chance issued or sold;
7. The maximum number of raffle chances to be issued;
8. The area or areas in which raffle chances will be sold or issued;
9. The time period during which raffle chances will be issued or sold;
10. The date, time and location at which winning chances will be determined;

11. A sworn statement attesting to the not-for-profit character of the applicant organization, signed by the presiding officer and secretary of the organization;

12. A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

B. A fee shall be charged by the city and paid to the city clerk at the time of application for a raffle license, in the amount to be set by city ordinance from time to time.

The application fees are nonrefundable even should the application be rejected by the city council.

(Amended during 1997 codification; Ord. 636 § 1 (part), 1987: prior code § 22-2-2)

(Ordinance No. 3357, Amended, 12/18/2017, Amended Raffle Licenses - Removed Social Security # from application.)

Section 5.36.060 Licensee qualifications.

Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious, business and veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five years or more immediately before making application for a license and which have had during the entire five-year period a bona fide membership engaged in carrying out their objects. The following are ineligible for any license under this chapter:

- A. Any person who has been convicted of a felony;
- B. Any person who is or has been a professional gambler or gambling promoter;
- C. Any person who is not of good moral character;

D. Any firm or corporation in which a person defined in subsection A, B or C of this section has a proprietary, equitable or credit interest, or in which the person is active or employed;

E. Any organization in which a person defined in subsection A, B or C of this section is an officer, director or employee, whether compensated or not;

F. Any organization in which a person defined in subsection A, B or C of this section is to participate in the management or operation of a raffle as defined in this chapter.

(Ord. 636 § 1 (part), 1987: prior code § 22-2-3)

Section 5.36.070 License issuance.

A. The city clerk shall review all raffle license applications. The city clerk shall, within thirty (30) days from the date of application, accept or reject a raffle license application. If an application is accepted, the city clerk shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of one (1) year from and after its issuance.

B. A raffle license shall show the following:

1. The area or areas in which raffle chances may be sold or issued;
2. The period of time during which raffle chances may be sold or issued;
3. The maximum price which may be charged for each raffle chance issued or sold;
4. The date, time and location on or at which winning chances will be determined.

C. The license shall be prominently displayed at the time and location of the determination of the winning chances.

D. A license shall be valid for one raffle only. Multiple licenses may be issued for multiple raffles to a licensee.

(Ord. 636 § 1 (part), 1987: prior code § 22-2-4)

(Ordinance No. 3357, Amended, 12/18/2017, Removed "City Council" and replaced with "City Clerk" and raffle license good for one (1) year.)

Section 5.36.080 Operation and conduct of raffles.

The operation and conduct of raffles are subject to the following restrictions:

A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.

B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter.

E. Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license, and winning chances may be determined only at those locations specified on the license.

F. Each raffle chance shall have printed thereon the following:

1. The cost of the chance;
2. The aggregate retail value of all prizes to be awarded in the raffle;

3. The date or dates, time or times, and location or locations on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain this information.

G. No cash prize in excess of one million dollars (\$1,000,000.00) may be awarded.

H. The maximum price which may be charged for each raffle chance issued or sold shall not exceed One Hundred Dollars (\$100.00).

I. The maximum number of days during which chances may be issued or sold shall not exceed three hundred sixty-five (365) days.

J. No real property, including land and any buildings thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.

K. No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of eighteen (18) years without the permission of his parent or guardian.

(Ord. 636 § 1 (part), 1987: prior code § 22-3-1)

(Ordinance No. 3357, Amended, 12/18/2017)

Section 5.36.090 Raffles manager--Bonds.

A. All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.

B. The raffles manager shall give a fidelity bond in the sum of Zero Dollars (\$0.00) in favor of the organization conditioned upon his or her honesty in the performance of his duties. The organization may require a fidelity bond in an amount greater than the aforementioned amount.

(Ord. 636 § 1 (part), 1987: prior code § 22-3-2)

(Ordinance No. 3357, Amended, 12/18/2017)

Section 5.36.100 Records.

A. Each licensee shall keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are to be determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

B. Gross receipts for the operation of raffles programs shall be segregated from other revenues of the licensee, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the state, and placed in a separate account. Each licensee shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

C. Each licensee shall report within thirty (30) days after the conclusion of each raffle to its membership, and to the city council, its gross receipts, expenses and net proceeds for raffles, and the distribution of net proceeds itemized as required herein.

D. Records required herein shall be preserved for three years, and licensees shall make available their records relating to operation of raffles

for public inspection at reasonable times and places.

(Ord. 636 § 1 (part), 1987: prior code § 22-3-3)

Section 5.36.110 Relationship to other laws.

Whenever regulations or restrictions imposed by this chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules or regulations, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

(Ord. 636 § 1 (part), 1987: prior code § 22-4-1)

Section 5.36.120 Abatement.

The imposition of the penalties prescribed in Section 5.36.130 shall not preclude the city from instituting appropriate legal action to prevent unlawful raffles or to restrain, enjoin, correct or abate a violation of this chapter or of the conditions of a raffle license issued pursuant hereto.

(Ord. 636 § 1 (part), 1987: prior code § 22-4-2)

Section 5.36.130 Violation--Penalty.

Any person violating any provision of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

(Ord. 636 § 1 (part), 1987: prior code § 22-4-3)

Chapter 5.40

SOLICITORS

Sections:

- 5.40.010 Definitions.**
- 5.40.020 Certificate of registration.**
- 5.40.030 Application for certificate of registration.**
- 5.40.040 Issuance and revocation of certificate.**
- 5.40.050 Fees.**
- 5.40.060 Duty of solicitors.**
- 5.40.070 Uninvited soliciting prohibited.**
- 5.40.080 Time limit on soliciting.**
- 5.40.090 Charitable institutions.**

Section 5.40.010 Definitions.

For the purpose of this chapter, the following words shall be construed to have the meaning herein ascribed as follows:

"Registered solicitor" means and includes any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"Residence" means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

"Soliciting" means seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; except that for the purposes of this ordinance the term "soliciting" does not include, and this ordinance shall not regulate, the sale of books, periodicals or other publications. (Amended during 1997 codification; prior code § 7-3-1)

Section 5.40.020 Certificate of registration.

Every person desiring to engage in soliciting, as defined in Section 5.40.010, from persons in residences within this municipality, is required to make written application for a certificate of registration as hereinafter provided. (Prior code § 7-3-2)

Section 5.40.030 Application for certificate of registration.

Application for a certificate of registration shall be made upon a form provided by the chief of police of this municipality and filed with such chief. The applicant shall truthfully state in full the information requested on the application:

- A. Name and address of present place residence and length of residence at such address; also business address if other than residence address; also Social Security Number;
- B. Address of place of residence during the past three years if other than present address;
- C. Age of applicant and marital status; and if married, the name of spouse;
- D. Physical description of the applicant;
- E. Name and address of the person, firm or corporation or association by whom the

applicant is employed or represents; and the length of time of such employment or representation;

F. Name and address of employer during the past three years if other than the present employer;

G. Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;

H. Period of time for which the certificate is applied;

I. The date, or approximate date, of the latest previous application for certificate under this code, if any;

J. Has a certificate of registration issued to the applicant under this chapter ever been revoked?

K. Has the applicant ever been convicted of a violation of any of the provisions of this chapter or the code of any other Illinois municipality regulating soliciting?

L. Has the applicant ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States?

M. Also, such additional information as the chief of police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The chief of police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates issued shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided. (Prior code § 7-3-3)

Section 5.40.040 Issuance and revocation of certificate.

The chief of police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, and that the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement shall be made by the chief of police upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

Any certificate of registration issued hereunder shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any provision of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the certificate in person, or by certified U.S. mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice, the certificate of registration shall become null and void.

The certificate of registration shall state the expiration date thereof. (Prior code § 7-3-4)

Section 5.40.050 Fees.

Upon making an application for a certificate of registration, the applicant shall pay a license fee which shall be set by city ordinance from time to time. (Amended during 1997 codification; prior code § 7-3-5)

Section 5.40.060 Duty of solicitors.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Prior code § 7-3-6)

Section 5.40.070 Uninvited soliciting prohibited.

It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of a notice exhibited at the residence stating in clear and concise wordage that soliciting is not invited. (Prior code § 7-3-7)

Section 5.40.080 Time limit on soliciting.

It is declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to nine a.m. or after five p.m. of any weekday, or at any time on a Sunday or on a state or national holiday. (Prior code § 7-3-8)

Section 5.40.090 Charitable institutions.

All resident charitable organizations in the city which have been in existence for six months or longer shall register all solicitations and shall be exempt from registration thereafter. (Prior code § 7-3-9)

Chapter 5.44**YARD SALES****Sections:**

- 5.44.010** **Definitions.**
 - 5.44.020** **Permit--Exception.**
 - 5.44.030** **Issuance of permit.**
 - 5.44.040** **Location.**
 - 5.44.050** **Frequency.**
 - 5.44.060** **Prohibited merchandise.**
 - 5.44.070** **On-site advertising.**
 - 5.44.080** **Revocation of permit or right to permit.**
 - 5.44.090** **Duration.**
- Section 5.44.010** **Definitions.**

Included within the terms of this chapter, and heretofore referred to as "yard sales," is any display of merchandise for the purpose of exchanging it for legal tender or barter at a location not otherwise regularly used or specifically designated for the sale or exchange of merchandise. Events commonly known as "garage sales," "tailgate sales," "flea markets," "house sales," "moving sales," etc., shall be defined as yard sales under the provisions of this chapter.

(Ord. 1216 § 1 (part), 1993: prior code § 7-7-1)

Section 5.44.020 **Permit--Exception.**

No person or persons shall offer for sale any merchandise, or permit the use of his or her property, in conjunction with a yard sale without first obtaining a permit therefore at least five days in advance of the first day of the yard sale. The provisions of this section shall not apply to bankruptcy, estate or other sales under judicial process, licensed and authorized auctions, and sales conducted at and by organizations affiliated with churches, schools, federal, state, city, county and township government units provided that those organizations are nonprofit, religious, civic and/or charitable in nature.

(Ord. 1232 § 1, 1994: Ord. 1216 § 1 (part), 1993: prior code § 7-7-2)

Section 5.44.030 Issuance of permit.

The city clerk is authorized to issue a yard sale permit as required by this chapter to any resident person upon request and payment of a fee, to be set by city ordinance from time to time, provided the permit be completed to include the name and address of the applicant and the duration and the location of the yard sale.

(Amended during 1997 codification; prior code § 7-7-3)

Section 5.44.040 Location.

A. Yard sales shall be restricted to residential and noncommercial districts unless residential usage is allowed in the commercial district, and unless otherwise approved by the city council.

B. Yard sales shall be conducted within the period between sunrise and sunset.

(Ord. 1216 § 1 (part), 1993: prior code § 7-7-4)

Section 5.44.050 Frequency.

A. Yard sales shall be held no more than three times within the same calendar year at the same location.

B. Yard sales shall be held no sooner than thirty (30) days subsequent to the close of a yard sale at the same location.

(Ord. 1216 § 1 (part), 1993: prior code § 7-7-5)

Section 5.44.060 Prohibited merchandise.

Prohibited from such merchandise to be sold at yard sales shall be alcoholic beverages, firearms, firearm ammunition, materials determined by the city code as obscene, animals or any other merchandise of which sale without proper licensing or authorization from state or local authorities is unlawful.

(Ord. 1216 § 1 (part), 1993: prior code § 7-7-6)

Section 5.44.070 On-site advertising.

Prohibited at the location of any yard sale are loudspeakers or amplifiers.

(Ord. 1216 § 1 (part), 1993: prior code § 7-7-7)

Section 5.44.080 Revocation of permit or right to permit.

Any person who violates any of the provisions of this chapter shall be subject to the immediate revocation of the permit under which said person is a permit holder or permit participant, and shall be further subject to the loss of the privilege of obtaining a permit, or of having the right to participate in such permit in the future.

(Ord. 1216 § 1 (part), 1993: prior code § 7-7-8)

Section 5.44.090 Duration.

A. No yard sale shall be conducted for a period of greater than three successive calendar days.

B. Yard sales shall be conducted within the period between sunrise and sunset.

(Ord. 1232 § 2, 1994: prior code § 7-7-9)

Chapter 5.45

HOTEL AND MOTEL ACCOMMODATIONS TAX

Sections:

- 5.45.010 Definitions.**
- 5.45.020 Imposition of tax.**
- 5.45.030 Liability for payment.**
- 5.45.040 Collection of tax.**
- 5.45.050 Filing of return.**
- 5.45.060 Failure to pay collector or remit tax.**
- 5.45.070 Records.**
- 5.45.080 Exemption.**
- 5.45.090 Suspension or revocation of license for failure to comply--Hearing.**
- 5.45.100 Disposition of proceeds of tax.**
- 5.45.110 Penalty.**

Section 5.45.010 Definitions.

For the purposes of this chapter whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this section.

"City" means the city of Columbia, located in the counties of Monroe and St. Clair, state of Illinois.

"City collector" or "collector" means the city clerk/collector of the city of Columbia, Illinois.

"Hotel accommodations" or "motel accommodations" means a room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

"Permanent resident" means any person who occupies or has the right to occupy any room or rooms in a hotel or motel for at least thirty (30) consecutive days.

"Person" means any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, copartnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. Whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean that the owners or part owners thereof, and as applied to corporations, the officers thereof. (Ord. 1653 § 1 (part), 1998)

Section 5.45.020 Imposition of tax.

There is, and shall immediately accrue and be collected, a tax upon the rental or leasing of any hotel or motel accommodation in the city at the rate of five percent of the gross rental or leasing charge. (Ord. 1653 § 1 (part), 1998)

Section 5.45.030 Liability for payment.

The ultimate incidence of a liability for payment of such tax shall be borne by the lessee or tenant of any such hotel or motel accommodations. The tax herein levied shall be in addition to any and all other taxes. It shall be the duty of every owner, manager or operator of hotel or motel accommodations to secure such tax from the lessee or tenant of such hotel or motel accommodations and remit to the city such tax under rules and regulations prescribed by the city council and as otherwise provided in this chapter. (Ord. 1653 § 1 (part), 1998)

Section 5.45.040 Collection of tax.

The tax herein levied shall be secured by the hotel owner, manager or operator from the lessee or tenant when collecting the price, charge or rent to which it applies. Every lessee or tenant shall be given a bill invoice, receipt or other statement or memorandum of the price, charge or rent payable upon which the hotel or motel accommodations tax shall be stated, charged, and shown separately. (Ord. 1653 § 1 (part), 1998)

Section 5.45.050 Filing of return.

Every owner, manager or operator of hotel or motel accommodations within the city shall file a tax return on a quarterly basis with the city collector on forms prescribed by the collector, showing tax receipts received with respect to hotel or motel accommodations rented or leased during the preceding quarterly period. At the time of filing of such tax return, the owner, manager or operator of hotel or motel accommodations shall remit to the city all taxes collected for a period to which the tax return applies. The dates upon which such quarterly returns are to be filed shall be provided by rules and regulations promulgated by the city collector. (Ord. 1653 § 1 (part), 1998)

Section 5.45.060 Failure to pay collector or remit tax.

If for any reason any tax is not collected or remitted when due, a penalty at the rate of two percent per month on the amount of tax which remains unremitted shall be added and collected. Whenever any person shall fail to pay, collect, or remit any tax as herein provided, upon the request of the city collector, the city corporate counsel shall bring or cause to be brought an action to enforce compliance in any court of competent jurisdiction. (Ord. 1653 § 1 (part), 1998)

Section 5.45.070 Records.

Every owner, manager or operator of hotel or motel accommodations in the city shall keep books and records showing the prices, rents or charges made or charged, and occupancies taxable under this chapter. The city collector, or his designate, shall at all reasonable times have full access to such books and records. (Ord. 1653 § 1 (part), 1998)

Section 5.45.080 Exemption.

The tax imposed under this chapter shall not apply to the renting or leasing of any hotel or motel accommodations to permanent residents. If hotel or motel accommodations are provided for both permanent residents and other guests, the rental obtained from the permanent residents shall not be included in the computation of the tax due. (Ord. 1653 § 1 (part), 1998)

Section 5.45.090 Suspension or revocation of license for failure to comply--Hearing.

If the mayor, after hearing held by or for him, shall find that any person has wilfully avoided collection or remittance of the tax imposed by this chapter, he may suspend or revoke all city licenses held by such person. The owner, manager or operator of the hotel or motel accommodations shall have an opportunity to be heard at such hearing to be held not less than five days after notice of the time and place of the hearing addressed to the owner, manager or operator at his last known place of business. The suspension or revocation of any license shall not release or discharge the owner, manager or operator of hotel or motel accommodations from his civil liability for the collection or remittance of the tax nor for prosecution of such offense. (Ord. 1653 § 1 (part), 1998)

Section 5.45.100 Disposition of proceeds of tax.

All proceeds resulting from the imposition of the tax under this chapter, including penalties, shall be paid to the treasurer of the city, to be used solely for the purpose of promoting tourism and conventions within the city, or otherwise to attract nonresident overnight visitors to the city. (Ord. 1653 § 1 (part), 1998)

Section 5.45.110 Penalty.

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of the chapter, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). Each day a violation occurs or continues shall constitute a separate and distinct offense. (Ord. 1653 § 1 (part), 1998)

Chapter 5.50

MOBILE VENDING

Sections:

- 5.50.010** **Definitions.**
- 5.50.020** **Mobile Vending Permits and License Required.**
- 5.50.030** **Applications.**
- 5.50.040** **Rules and Regulations Established.**
- 5.50.045** **Ice Cream Truck - Licensure/Operations**
- 5.50.050** **Sales Tax Returns.**

Section 5.50.010 Definitions.

- A. Applicant. Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business park license within the City as required by this Chapter.
- B. Application. An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business park license on a form provided by the City.
- C. City Special Event. Any outdoor or seasonal event including, but not limited to a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle /vehicle ride, walk / run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and / or may require special consideration from any or all of the following City Departments: Columbia Police Department (CPD), Columbia Fire Protection District (CFPD), Department of Public Works (DOPW), Columbia Emergency Medical Service (EMS), and Community Development Department (CDD).
- D. Commissary. A local health department permitted food establishment that acts as a base of operations for a food truck. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease, and rubbish originating from the food truck; facilities for filling a potable water holding tank in a sanitary manner.
- E. Ice Cream Truck. Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle in which pre-packaged ice cream, sorbet, sherbet, slush drinks, popsicles, or any other frozen food item of any sort are carried for purposes of retail sale from the vehicle for immediate consumption.
- F. License Year. May 1 through April 30 of a calendar year.
- G. Licensed Premises. Real estate for which a mobile vending business premises license or mobile vending business park license has been issued.
- H. Merchandise. Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.

- I. Mobile Vending Business. A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the City. A mobile vending business does not include an ice cream truck.
- J. Mobile Vending Business Park. A property on which multiple mobile vending businesses may operate at a single time, as permitted by Title 17 of the Code.
- K. Mobile Vending Business Park License. An annual license issued by the City to operate a mobile vending business park in the City.
- L. Mobile Vending Business Premises License. An annual license issued by the City to the owner or operator of a licensed premises, excluding mobile vending business parks, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.
- M. Mobile Vending Permit. A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.
- N. Mobile Vending Vehicle. Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.
- O. Owner. When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.
- P. Person. Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.
- Q. Restaurant. Any business establishment whose principal business (meaning 51% or more of sales) is the selling of unpackaged food to the customer in a ready-to-consume state for immediate consumption on or off premise.
- R. Temporary Display Stand. A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

(Ordinance No. 3679, Repealed & Replaced, 08/05/2024, Amended to allow an Ice Cream Truck to Operate; Ordinance No. 3656, Repealed & Replaced, 12/04/2023; Ordinance No. 3338, Amended, 08/07/2017, Amended Food Truck Vendor definition by removing "non-alcoholic beverages" and changing to "alcoholic beverages"; Ordinance No. 3310, Added, 02/21/2017, Added Mobile Food Vendors Ordinance.)

Section 5.50.020 Mobile Vending Permits and License Required.

- S. Mobile Vendor Permit. No person shall operate a mobile vending business within the City without having first obtained a mobile vendor permit from the City Clerk pursuant to the requirements of this Chapter.
- T. Mobile Vending Business Premises License. No owner or operator of real estate within the City shall authorize or allow a mobile vending vehicle or temporary display stand to

engage in a mobile vending business on such real estate without the owner or operator of such real estate obtaining a mobile vending business premises license from the City Clerk pursuant to the requirements of this Chapter.

- U. Mobile Vending Business Park License. No person shall operate a mobile vending business park within the City without having first obtained a mobile vending business park license from the City Clerk pursuant to the requirements of this Chapter.

(Ordinance No. 3679, Repealed & Replaced, 08/05/2024, Amended to allow an Ice Cream Truck to Operate; Ordinance No. 3656, Repealed & Replaced, 12/04/2023; Ordinance No. 3338, Amended, 08/07/2017, Amended by Ordinance No. 3338. Added "Such License shall be issued and renewed on a rolling basis".; Ordinance No. 3310, Added, 02/21/2017, Added Mobile Food Vendors Ordinance.)

Section 5.50.030 Applications.

A. Applications and Fees.

1. Applications for a mobile vendor permit, mobile vending business premises license, or mobile vending business park license shall be made, in writing, on forms provided by the City and submitted to the City. An applicant must submit a completed application, along with the application fee, to the City Clerk.
2. Each application shall be accompanied by a non-refundable application fee as established in Chapter 5.04.
3. No application fee shall be pro-rated if the license or permit is obtained during the middle of a license year.

B. Mobile Vendor Permit. A separate mobile vendor permit shall be obtained for each separate and distinct mobile vending vehicle or temporary display stand proposed to be used by an applicant. An application for a mobile vendor permit shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which the applicant proposes to operate its mobile vending business:

1. The full legal name, daytime telephone number, e-mail address, home address, and business address of the person applying for the mobile vendor permit.
 - a. If the applicant is an entity, the application shall state the full name of the entity, its principal address, daytime telephone number, its registered agent, and registered address.
2. The name(s), address(es), and daytime telephone number(s) of the legal owner(s) of the licensed premises on which the applicant will operate the mobile vending business, along with proof of written permission or consent from the owner(s) for applicant to operate its mobile vending business.
3. A description of the type of food, beverages or merchandise proposed to be sold, distributed, or offered for sale by the mobile vending business.
4. A description of the mobile vending vehicle or temporary display stand.

5. If the mobile vending business will operate out of a mobile vending vehicle, the application shall include:
 - a. The year, make, model, color, vehicle identification number (VIN number), State license plate number and State of licensing, if applicable, and dimensions, which shall not exceed thirty-six (36) feet in length or nine (9) feet in width, of such mobile vending vehicle.
 - b. Proof of current vehicle insurance for the mobile vending vehicle, if applicable, issued by an insurance company licensed to do business in the State of Illinois.
 - c. Proof of current vehicle registration for the mobile vending vehicle, if applicable.
 - d. If operating on City-owned property, proof of a current insurance policy with limits of coverage determined by the City. Minimum policy limits shall provide for bodily injury liability of at least fifty thousand dollars (\$50,000.00) for each person, and of at least one hundred thousand dollars (\$100,000.00) for each accident, and limits for property damage liability of at least ten thousand dollars (\$10,000.00) for each accident, issued by an insurance company licensed to do business in the State of Illinois, covering all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the mobile vendor permit. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the City.
6. Copies of all requisite liquor licenses issued to the applicant by the City, County, or the State of Illinois.
7. Applicant's State of Illinois number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable.
8. When applicable, a permit or license as required by the County Department of Public Health.
9. Such other information as the City Clerk may require, and, as provided by Chapter 5.04.
- C. Mobile Vending Business Premises License. An application for a mobile vending business premises license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:
 1. The full legal name, daytime telephone number, e-mail address, home address, and business address of the person applying for the mobile vending business premises license.

- a. If the applicant is an entity, the application shall state the full name of the entity, its principal address, daytime telephone number, and its registered agent and registered address.
 2. The proposed day(s) of operation and hour(s) of operation.
 3. A description of the licensed premises, which shall include, but shall not be limited to, the following:
 - a. The address of the property.
 - b. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property.
 - c. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business.
 4. Copies of all requisite liquor licenses issued to the applicant by the City, County, or the State of Illinois.
 5. When applicable, a permit or license as required by the County Department of Public Health.
 6. Such other information as the City Clerk may require, and, as provided by Chapter 5.04.
- D. Mobile Vending Business Park License. An application for a mobile vending business park license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:
1. The full legal name, daytime telephone number, e-mail address, home address, and business address of the person applying for the mobile vending business park license.
 - a. If the applicant is an entity, the application shall state the full name of the entity, its principal address, daytime telephone number, and its registered agent and registered address.
 2. The proposed hour(s) of operation.
 3. A description of the property for which a license is sought, which shall include, but shall not be limited to, the following:
 - a. The address of the property.
 - b. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property.
 - c. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by mobile vending businesses.

4. Copies of all requisite liquor licenses issued to the applicant by the City, County, or the State of Illinois.
 5. When applicable, a permit or license as required by the County Department of Public Health.
 6. Such other information as the City Clerk may require and provided by Chapter 5.04.
- E. Application Review and Determination. The City Clerk shall review each completed application in accordance with the following procedures:
1. The City Clerk shall review each completed application upon receipt of such application and its corresponding application fee and shall approve, approve with conditions, or deny such application within fourteen (14) days of receipt thereof.
 2. An application is deemed to be complete upon the City Clerk determining that:
 - a. The application includes all necessary information required under Chapter 5.04.
 - b. The applicant has submitted all other requisite permits and licenses from the City, County, or State.
 - c. The applicant has paid the application fee.
 3. In granting a mobile vendor permit, mobile vending business premises license, or mobile vending business park license, the City Clerk may add reasonable conditions beyond the specific restrictions and requirements of this Chapter which are deemed by the City Clerk to be necessary to protect the peace, health, safety, comfort, morals, and general welfare of the City and its inhabitants.
- F. Issuance. Issuance for the operation of a mobile vending business shall be in accordance with Chapter 5.04.
- G. Denial. Denial for the operation of a mobile vending business shall be in accordance with Chapter 5.04.
- H. Liability. Nothing in this Chapter shall be construed to create or constitute a liability to or a cause of action against the City related to the issuance of any permit or license created and/or regulated by this Chapter.

(Ordinance No. 3679, Repealed & Replaced, 08/05/2024, Amended to allow an Ice Cream Truck to Operate; Ordinance No. 3656, Repealed & Replaced, 12/04/2023; Ordinance No. 3338, Amended, 08/07/2017, Amended Peripheral Setup - Changed to: "Food trucks shall only be permitted to connect to City water, electric, or other utility to conduct business with the written consent of the City"; Ordinance No. 3338, Amended, 08/07/2017, Changed Section 5.50.030, removed "prohibited" and added, "shall be regulated by Section 5.20 (LIQUOR CODE) of the City's Code of Ordinances"; Ordinance No. 3310, Added, 02/21/2017, Added Mobile Food Vendors Ordinance.)

Section 5.50.040 Rules and Regulations Established.

- A. It shall be the responsibility of the mobile vending business to ensure:
1. No mobile vending vehicle or temporary display stand is left unattended.

2. All food, beverages, and other merchandise cooked, prepared, assembled, served, distributed, offered for sale, or sold from a mobile vending vehicle, or temporary display stand are in a fresh and sanitary condition. Motor vehicles used for mobile vending businesses shall be kept and maintained in good mechanical and structural condition. Each such vehicle shall have a clean exterior and interior.
 3. The prominent display of any such license issued under the provisions of this Chapter for public examination, while engaging in business operations.
 4. The sidewalks, streets and other spaces adjacent to its area of operation are clean and free of refuse of any kind.
 5. No mobile vending vendor shall leave any location of operation without first picking up, removing, and properly disposing of all refuse remaining from sales made or otherwise resulting from the operation of the mobile vending business.
 6. No conduct of the mobile vending business is in a manner that obstructs access to private property, except with the prior written consent of the property affected thereby.
 7. No mobile vending operations shall block any part of the public right-of-way, street, sidewalk, ramp, curb cut, or trail in the City.
 8. No mobile vending business shall operate on City property or on any part of the public right-of way, street, sidewalk, ramp, curb cut, or trail in the City except when approved as part of a City Special Event.
 9. No mobile vending business shall store, park, or leave any mobile vending vehicle or temporary display stand on any street, sidewalk or rights-of-way between 11:00 p.m. and 6:00 a.m.
 10. Signage shall be limited to signs permanently or magnetically affixed to the vehicle or cart.
 11. All sales taxes for the sales of food, beverages, or merchandise made by the mobile vending business within the City are promptly paid when due.
- B. It shall be the responsibility of the person or entity holding the mobile vending business premises license or mobile vending business park license to ensure:
1. All mobile vendors operating on the licensed premises have been issued a valid mobile vending business permit and other licenses and permits required by the City, County, or State.
 2. Operations are done in accordance with aforementioned subsection 5.50.040 (A).
- C. Maximum Days of Operation.
1. Mobile Vending Premises. No mobile vending premise may have mobile vending businesses on the licensed premises for more than six (6) days in a calendar year.

2. Mobile Vending Park. There shall be no limit on the number of days of which a mobile vending business may locate within the licensed premises of a mobile vending park.

D. Generally.

1. The City or its agents shall be permitted to inspect the licensed premises, the mobile vending vehicle, temporary display stand, and all items for sale by the mobile vending business at any reasonable time to ensure compliance with this Chapter and other provisions of the ordinances/code of the City.
2. No mobile vending business shall be permitted to operate on property which is not a licensed premises under this Chapter.
3. No mobile vending business shall be operated between the hours of 10:00 p.m. and 7:00 a.m.
4. No mobile vending business providing the sales of food/liquids for immediate consumption to the public shall locate or operate within seven hundred fifty (750) feet of an existing restaurant unless they are part of a City Special Event.
5. A mobile vending business providing the sales of food/liquids for immediate consumption to the public may only locate on the property of an existing restaurant if:
 - a. The record owner of the established restaurant provides written consent.
 - b. The restaurant is no closer than seven hundred fifty (750) feet to another restaurant.
6. A mobile vending business shall only be permitted to connect to City water, electric, or other utility to conduct business with the written consent of the City or via City approved connections within a licensed Mobile Vending Park.
7. A mobile vending business shall provide for a garbage receptacle for refuse that is to be adequate, maintained and emptied regularly.
8. In conformity with any other rules, and regulations, as prescribed and applicable thereto, in Chapter 5.04.

- E. Sale of Liquor. Selling or serving of liquor, including beer, wine, and all alcoholic beverages from food trucks shall be regulated by Chapter 5.20.

(Ordinance No. 3679, Repealed & Replaced, 08/05/2024, Amended to Allow an Ice Cream Truck to Operate; Ordinance No. 3656, Repealed & Replaced, 12/04/2023; Ordinance No. 3310, Added, 02/21/2017, Added Mobile Food Vendors Ordinance.)

Section 5.50.045 Ice Cream Truck - Licensure/Operations

- A. License Required.

1. No person shall operate an ice cream truck within the City without first having obtained a license therefore.
 2. The annual license fee for the operation of an ice cream truck shall be as established by Section 18.115, in effect, and as amended from time to time.
 3. Any person applying for an application to operate an ice cream truck within the City shall be subject to the investigation process found in §5.04.050 prior to issuance of said license.
 4. At the time of application thereof, applicants shall furnish:
 - a. The year, make, model, color, vehicle identification number (VIN number), State license plate number and State of licensing, if applicable, of such ice cream truck.
 - b. Proof of current vehicle insurance for the ice cream truck, if applicable, issued by an insurance company licensed to do business in the State of Illinois.
 - c. Proof of current vehicle registration for the ice cream truck, if applicable.
 - d. A permit or license as required by the County Department of Public Health.
 - e. A current Illinois Retailers' Occupation Tax Certificate.
 - f. Valid driver's licenses for all individuals who will be operating the ice cream truck.
- B. Regulations Specific to the Operation of Ice Cream Trucks.
1. Licensed ice cream trucks may vend from public streets, with the exception of those within a City park.
 2. A person shall vend only when the ice cream truck is lawfully stopped.
 3. Ice cream trucks shall not:
 - a. obstruct a public right-of-way;
 - b. impair pedestrian or vehicle traffic;
 - c. stop within thirty (30) feet of an intersection; or
 - d. stop within three (3) feet of a curb cut.
 4. A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of street.
 5. A person shall not vend to a person standing in the roadway.
 6. An ice cream truck shall not stop on the left side of a one- way street to vend.

7. The driver of the ice cream truck shall not place vehicle in reverse in order to make or attempt a sale.
8. Music, chimes, or amplified sounds while vending are permitted between the hours of 11:00 A.M. and 8:00 P.M. only.
9. The operator of an ice cream truck may drive through the streets of the City for the purposes of vending only between the hours of 11:00 A.M. and 8:00 P.M.
10. No ice cream truck shall be permitted to remain within fifty (50) yards of any given location for more than ten (10) minutes on any given day.
11. Selling or serving of liquor, including beer, wine, and any other alcoholic beverages, by any ice cream truck is prohibited.
12. Each ice cream truck shall:
 - a. be kept in good mechanical and structural condition;
 - b. have a clean exterior and interior;
 - c. be equipped with such devices intended to alert traffic to proceed with caution past the vehicle while it is serving customers;
 - d. have the vendor name affixed to it in a professional, workmanlike manner, and in letters that are a minimum of six inches in height.

(Ordinance No. 3679, Added, 08/05/2024, Added - to Allow an Ice Cream Truck to Operate)

Section 5.50.050 Sales Tax Returns.

- A. Persons licensed under the provisions of this Chapter shall be subject to the following reporting requirements:
 1. State of Illinois. Reporting of the tax return filed by the person engaged in the business of selling tangible personal property at retail with the Illinois Department of Revenue pursuant to 35 ILCS 120, as amended, (commonly known as "Retailers' Occupation Tax Act") showing the total sales made by such person for the preceding calendar month.
 2. City of Columbia. A copy of the submitted tax return pursuant to 35 ILCS 120 to the Illinois Department of Revenue shall be filed with the City Treasurer on or before the twentieth day of each calendar month.

(Ordinance No. 3679, Repealed & Replaced, 08/05/2024, Amended to Allow an Ice Cream Truck to Operate; Ordinance No. 3656, Repealed & Replaced, 12/04/2023; Ordinance No. 3310, Added, 02/21/2017, Added Mobile Food Vendors Ordinance.)

Chapter 5.54

Video Gaming Establishments

Sections:

5.54.010 Video Gaming Establishments

5.54.020 Video Gaming Terminals

Section 5.54.010 Video Gaming Establishments

22. Video gaming shall be considered an accessory use and shall be licensed as Accessory Video Gaming only in conjunction with and subsidiary to one of the following types of primary business uses, as defined Title 17 of the Columbia Municipal Code (Zoning):
 - a. Fraternal and service organizations
 - b. Lounges, taverns and pubs
 - c. Private clubs or lodges
 - d. Restaurants, tea rooms and cafes
 - e. Any type of business not defined by the Zoning Code, but is equivalent to one of the business types listed above as determined by the Zoning Administrator.
2. In the issuance of business licenses, Accessory Video Gaming shall listed below the primary business use with the number of approved gaming terminals noted (e.g. "Accessory Video Gaming – 6 terminals").
3. Establishments operating video gaming terminals in full compliance under legal City-issued business and/or liquor license(s) on the effective date of this subsidiary licensing requirement shall be allowed to continue operating legally under the previously issued license(s). Should any business or liquor license be revoked for such an establishment, operations shall not resume without new application(s) being submitted to the City of Columbia and issued upon verifying full compliance with current applicable state statutes and municipal codes.
4. The City Council shall establish an Accessory Video Gaming business license fee, which may be changed as deemed appropriate. Such fees shall be paid in full each year prior to business license issuance and shall not be prorated for periods less than one year.
5. All revenues generated from the collection of Accessory Video Gaming business licensing fees shall be used for the benefit of the City's Parks and Recreation facilities and programs.
6. Video gaming establishments shall be required to pass an occupancy inspection conducted by the Building Official or authorized designee, prior to the first issuance of an Accessory Video Gaming business license. This shall apply to the initial issuance of all such licenses, whether the primary business is new or existing.

23. Video gaming shall be considered an accessory use and shall be licensed as Accessory Video Gaming only in conjunction with and subsidiary to one of the following types of primary business uses, as defined Title 17 of the Columbia Municipal Code (Zoning):
 - a. Fraternal and service organizations
 - b. Lounges, taverns and pubs
 - c. Private clubs or lodges
 - d. Restaurants, tea rooms and cafes
 - e. Any type of business not defined by the Zoning Code, but is equivalent to one of the business types listed above as determined by the Zoning Administrator.
2. In the issuance of business licenses, Accessory Video Gaming shall listed below the primary business use with the number of approved gaming terminals noted (e.g. "Accessory Video Gaming – 6 terminals").
3. Establishments operating video gaming terminals in full compliance under legal City-issued business and/or liquor license(s) on the effective date of this subsidiary licensing requirement shall be allowed to continue operating legally under the previously issued license(s). Should any business or liquor license be revoked for such an establishment, operations shall not resume without new application(s) being submitted to the City of Columbia and issued upon verifying full compliance with current applicable state statutes and municipal codes.
4. The City Council shall establish an Accessory Video Gaming business license fee, which may be changed as deemed appropriate. Such fees shall be paid in full each year prior to business license issuance and shall not be prorated for periods less than one year.
5. All revenues generated from the collection of Accessory Video Gaming business licensing fees shall be used for the benefit of the City's Parks and Recreation facilities and programs.
6. Video gaming establishments shall be required to pass an occupancy inspection conducted by the Building Official or authorized designee, prior to the first issuance of an Accessory Video Gaming business license. This shall apply to the initial issuance of all such licenses, whether the primary business is new or existing.

(Ord. No. 3619, Amended, 08/15/2022, Amended 5.54.010; Ord. No. 3540, Added, 11/16/2020)

Section 5.54.020 Video Gaming Terminals

24. It is unlawful to operate video gaming terminals in the City of Columbia without:
 - a. A City-issued Class A-1 or Class A-2 liquor license; and
 - b. Full compliance with the Illinois Video Gaming Act (230 ILCS 40).
2. There is hereby established an annual fee of two-hundred fifty dollars (\$250.00) for the operation of each video gaming terminal located in the City pursuant to the Illinois Video Gaming Act.

3. The annual video gaming terminal fee is to be paid to the City on, or before, the initial date of terminal operation, and for terminals then in operation, on, or before April 30th of each year thereafter. Such annual video gaming terminal fees shall not be prorated for periods of less than one year.
4. All revenues collected from annual video gaming terminal fees or received from the State of Illinois pursuant to the Illinois Video Gaming Act shall be used for the benefit of the City's Parks and Recreation facilities and programs."

(Ordinance No. 3619, Amended, 08/15/2022)

Title 6

ANIMALS

Chapters:

6.04	ANIMALS GENERALLY
6.08	DOGS

Chapter 6.04

ANIMALS GENERALLY

Sections:

- 6.04.010 Cruelty prohibited.**
- 6.04.020 Dangerous animals.**
- 6.04.030 Noises.**
- 6.04.040 Keeping animals.**
- 6.04.050 Killing any dangerous animals.**
- 6.04.060 Diseased animals.**

Section 6.04.010 Cruelty prohibited.

No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this chapter. (Prior code § 9-2-1)

Section 6.04.020 Dangerous animals.

It is unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city, exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the chief of police. (Prior code § 9-2-2)

Section 6.04.030 Noises.

It is unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night. (Prior code § 9-2-3)

Section 6.04.040 Keeping animals.

It is unlawful to keep any cattle, swine, sheep, goats or bees in the city, unless they are in a zoned agricultural district. (Prior code § 9-2-4)

Section 6.04.050 Killing any dangerous animals.

The members of the police department or any other person in the city are authorized to kill any dangerous animal of any kind when necessary for the protection of any person or property. (Prior code § 9-2-5)

Section 6.04.060 Diseased animals.

No domestic animal afflicted with a contagious disease or an infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the health officer.

It is made the duty of the police chief to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of contagion or infection, except in cases where the State Veterinarian is empowered to act. (Prior code § 9-2-

6)

Chapter 6.08

DOGS

Sections:

- 6.08.010** **Definitions.**
- 6.08.020** **Dogs to be inoculated and to have name tags affixed to collars.**
- 6.08.030** **Inoculation to be performed by licensed veterinarian--Issuance of certificate.**
- 6.08.040** **Duration of inoculation.**
- 6.08.050** **Specifications for tag.**
- 6.08.060** **Exhibition of certificate upon request.**
- 6.08.070** **Restraint of dogs.**
- 6.08.080** **Impoundment of dogs running at large or unlicensed dogs-- Citation of owner or keeper.**
- 6.08.090** **Notice and citation to owner or keeper of impoundment.**
- 6.08.100** **Redemption of impounded dogs.**
- 6.08.110** **Destruction of unredeemed dogs.**
- 6.08.120** **Impoundment of dogs which have bitten persons.**
- 6.08.130** **City to designate pound.**
- 6.08.140** **Disposition of dogs deemed nuisances.**
- 6.08.150** **Duties of chief of police and manager of animal shelter.**
- 6.08.160** **Dangerous dog--Female dog at large.**
- 6.08.170** **Female dog with other dogs.**
- 6.08.180** **Duties of city clerk.**

Section 6.08.010 Definitions.

As used in this chapter:

At Large. Any dog shall be deemed to be "at large" when it is off the property of his owner and not under the control of a responsible person.

"Department of Agriculture" means the Department of Agriculture of the state of Illinois.

"Dog" includes a female as well as a male dog.

"Inoculation" means the injection, subcutaneously or otherwise, as approved by the Department of Agriculture of the state of Illinois of canine antirabic vaccine, approved by the Department of Agriculture.

"Owner" means a person having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in his care or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him.

Restraint. A dog is under "restraint" if he is controlled by a leash; at "heel" beside a responsible person, or obedient to that person's commands within a vehicle being driven or parked on the streets, or within the property limits of his owner or keeper. (Prior code § 9-1-1)

Section 6.08.020 Dogs to be inoculated and to have name tags affixed to collars.

A. Each calendar year, or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog four months or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

B. Every owner or keeper of a dog, regardless of age, shall cause the dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number if any, of the owner or keeper of the dog. (Prior code § 9-1-2)

Section 6.08.030 Inoculation to be performed by licensed veterinarian--Issuance of certificate.

The inoculation of dogs required by Section 6.08.020(A) shall be performed by a veterinarian duly licensed to practice his profession in this state. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper, a metallic or other suitable tag to be attached to the collar, or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies. (Prior code § 9-1-3)

Section 6.08.040 Duration of inoculation.

The inoculation performed under the provisions of Section 6.08.030 shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture. (Prior code § 9-1-4)

Section 6.08.050 Specifications for tag.

The tag issued under the provisions of Section 6.08.030 shall be in such form as shall be determined by the Department of Agriculture. (Prior code § 9-1-5)

Section 6.08.060 Exhibition of certificate upon request.

At any reasonable time upon request of any member of the police department, the owner or keeper of any unmuzzled dog shall exhibit his certificate, issued under the provisions of Section 6.08.030, showing the inoculation against rabies of any dog owned or controlled by him. (Prior code § 9-1-6)

Section 6.08.070 Restraint of dogs.

The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in Section 6.08.010. (Prior code § 9-1-7)

Section 6.08.080 Impoundment of dogs running at large or unlicensed dogs-- Citation of owner or keeper.

A. It shall be the duty of such employees and officers of the police department as shall be designated for that purpose by the chief of police to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the city, contrary to any of the provisions of this chapter or other code of the city.

B. When dogs are found running at large or unlicensed and their ownership is known to the designated employees, such dogs may be impounded at the discretion of such employees, but the employees shall cite the owner of such dog to answer charges of violation of

this chapter. (Prior code § 9-1-8)

Section 6.08.090 Notice and citation to owner or keeper of impoundment.

In case of impounding, and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it, or is otherwise known to the officers impounding same, the police department shall, at once, give notice by mail to such owner or keeper, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this chapter. (Prior code § 9-1-9)

Section 6.08.100 Redemption of impounded dogs.

Any dog impounded under the provisions of this chapter, except such as may have bitten any person as specified in Section 6.08.120 shall, unless sooner redeemed, be held for the period of five days in order to afford opportunity to the owner or keeper thereof to redeem the same. Any such owner or keeper thereof desiring to redeem his impounded dog shall pay an impounding fee of ten dollars (\$10.00) and also the cost of keeping such dog while impounded, at the rate of two dollars (\$2.00) per day.

In case such dog has not been inoculated against rabies for the current year, such owner shall also advance the fee required to have such dog inoculated by a duly authorized licensed veterinarian as he shall elect and the poundkeeper shall forthwith cause the dog to be duly inoculated against rabies. No dog shall be released without having been inoculated for the current calendar year, or in accordance with the requirements of the Department of Agriculture. Upon payment of the required charges, the dog shall thereupon be released to the owner or keeper. (Prior code § 9-1-10)

Section 6.08.110 Destruction of unredeemed dogs.

Any impounded dog which shall not be redeemed within five days shall be humanely destroyed or otherwise disposed of by the poundkeeper. (Prior code § 9-1-11)

Section 6.08.120 Impoundment of dogs which have bitten persons.

Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for fourteen (14) days. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the period of fourteen (14) days, no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by Section 6.08.100; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled. (Prior code § 9-1-12)

Section 6.08.130 City to designate pound.

The city shall designate a suitable place for the impounding of dogs. (Prior code § 9-1-13)

Section 6.08.140 Disposition of dogs deemed nuisances.

Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed, or disposed of in the manner provided for under Sections 6.08.100 and 6.08.110. (Prior code § 9-1-14)

Section 6.08.150 Duties of chief of police and manager of animal shelter.

Except as to the regulations concerning inoculation against rabies, the chief of police is charged with the duty of enforcing the provisions of this chapter.

The animal shelter shall be a division of the police department; and the animal shelter manager, and all employees thereof, shall be subject to the supervision of the chief of police. Subject to civil service regulations, the chief of police shall designate such officers and employees under the supervision of the manager of the animal shelter as may be necessary to enforce the provisions of this chapter. (Prior code § 9-1-15)

Section 6.08.160 Dangerous dog--Female dog at large.

It is unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to permit said dog to run at large within the limits of the city; and, it is made the duty of the city police to kill any such dog found running at large within the limits of the city. (Ord. 484 § 1, 1981: prior code § 9-1-16)

Section 6.08.170 Female dog with other dogs.

No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises. (Prior code § 9-1-17)

Section 6.08.180 Duties of city clerk.

It shall be the duty of the city clerk to determine that all fees herein provided, or otherwise provided by law to be paid, are properly accounted for to the city treasury. (Prior code § 9-1-18)

Title 7

(RESERVED)

Title 8

HEALTH AND SAFETY

Chapters:

8.04	COLUMBIA EMERGENCY MEDICAL SERVICE FEES
8.08	Repealed by 8.08 (Ord. 2171)
8.12	BURGLAR AND FIRE ALARM SYSTEMS
8.16	CONTAGIOUS DISEASES
8.20	GARBAGE COLLECTION AND DISPOSAL
8.24	NUISANCES
8.26	CHRONIC NUISANCE PROPERTY
8.28	WEEDS
8.32	MISCELLANEOUS HEALTH REGULATIONS

Chapter 8.04**COLUMBIA EMERGENCY MEDICAL SERVICE FEES****Sections:**

- 8.04.010** **Base transport fee.**
8.04.020 **Transport mileage fee.**
8.04.030 **Treatment without transport fee.**
8.04.040 **Paramedic intercept fee.**

Section 8.04.010 **Base transport fee.**

For each person transported by the Columbia Emergency Medical Service, without regard to the number of persons transported in connection with each transport, trip or call in a single ambulance, the base transport fee shall be six hundred seventy-eight dollars (\$678.00).

Basic Life Support Transport	\$678.00
Advanced Life Support Transport (Use of IV, Oxygen, Caridac Monitoring)	\$845.00
ALS Transport #2 (Additional to ALS 1, use of ALS drugs)	\$950.00

(Ord. 1950 § 1, 2001)

(Ordinance No. 3094, Amended, 04/21/2014, New Fee Ordinance for fy 2014/2015.; Ord. No. 3094, Added, 04/21/2014, Added New Fee Ord. for fy 2014/2015.; 8.04.010 (Ord. 2180), Amended, 06/16/2003)

Section 8.04.020 **Transport mileage fee.**

In addition to the base transport fee required to be paid pursuant to Section 8.04.010 of this chapter, for each person transported by the Columbia Emergency Medical Service, without regard to the number of persons transported in connection with each transport, trip or call in a single ambulance, there shall be required to be paid a transport mileage fee, calculated as follows:

Mileage Rate - Flat Rate \$9.60/mile (No Variation
of Mileage Ranges)

**Old Rates*

**Distance*

*1 - 17 miles
18 - 50 miles*

**Rate per mile
prorated for
part thereof*

*\$ 8.21
\$ 6.84*

51 & over miles

\$ 5.47

(Ord. 1950 § 2, 2001)

(Ordinance No. 3094, Amended, 04/21/2014, New Fee Ordinance for fy 2014/2015.; 8.04.020 (Ord. 2180), Amended, 06/16/2003)

Section 8.04.030 Treatment without transport fee.

For each person who receives paramedic treatment from a Columbia Emergency Medical Service paramedic without being transported to a hospital or other medical facility by the Columbia Medical Service personnel, there shall be a base fee of one hundred fifty dollars (\$150.00).

(Ord. 1950 § 3, 2001)

(Ordinance No. 3094, Amended, 04/21/2014, New Fee Ordinance for fy 2014/2015.; 8.04.030 (Ord. 2180), Amended, 06/16/2003)

Section 8.04.040 Paramedic intercept fee.

For each person who receives paramedic intercept treatment from a Columbia Emergency Medical Service Paramedic, without regard to the number of persons transported in connection with each transport, trip or call in a single ambulance, there shall be required to be paid a paramedic intercept fee of one hundred dollars (\$100.00).

(8.04.040 (Ord. 2180), Amended, 06/16/2003)

Chapter 8.12**BURGLAR AND FIRE ALARM SYSTEMS****Sections:**

- 8.12.010** **Installation--City council permission required-- Restrictions--Fine.**
- 8.12.020** **Installation--Plan to be submitted.**
- 8.12.030** **Installation--Supervision authority.**
- 8.12.040** **Enforcement of provisions.**
- 8.12.050** **Use and operation decisions--City council authority.**
- 8.12.060** **Installation cost responsibility.**
- 8.12.070** **Malfunction--City not liable.**
- 8.12.080** **Connection fee.**
- 8.12.090** **False alarms--Fines.**
- 8.12.100** **Disconnection or change to new system.**

Section 8.12.010 Installation--City council permission required-- Restrictions--Fine.

No electric or control system covering fire, robbery and burglary alarm devices connected with the police department of the city shall be installed without the prior permission of the city council. No automatic telephone dial or radio alarms which are designed to call the city police department shall be permitted in the city. Any corporation, person or individual servicing, installing or permitting the servicing or installation of an automatic telephone dial or radio alarm system in the city shall be assessed a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed on each day a violation occurs. Corporations, persons or individuals already having an automatic telephone dial or radio alarm system installed shall have six months from the effective date of the ordinance codified in this chapter to remove same. (Ord. 474 § 2, 1981)

Section 8.12.020 Installation--Plan to be submitted.

Any corporation, person or individual servicing or installing a burglary, robbery or fire alarm system in any residence, commercial, institutional or industrial establishment within the city, shall first submit a proposed installation plan to the chief of police and to the chief of the fire department of the city, before such system may be connected to the city-owned electric control board. Any such system proposed shall comply with all the rules and regulations for fire prevention and safety as established by the state of Illinois, Department of Public Safety, as they are presently established or may, from time to time, be amended. (Ord. 474 § 3, 1981)

Section 8.12.030 Installation--Supervision authority.

The installation of any such alarm on any premises in the city shall be installed under the supervision of the chief of police and the chief of the fire department. (Ord. 474 § 4, 1981)

Section 8.12.040 Enforcement of provisions.

The chief of police and the chief of the fire department are empowered to enforce the

provisions of this chapter to the end that the system may be unified and operated through the city' s central control board. (Ord. 474 § 5, 1981)

Section 8.12.050 Use and operation decisions--City council authority.

The city council shall decide all questions arising as to the use and operation of such systems, through the city-operated central control board. (Ord. 474 § 6, 1981)

Section 8.12.060 Installation cost responsibility.

The actual cost of installation charged by the contractor installing same shall be borne by the corporation, firm or individual installing same in connecting it to the city' s central control board. (Ord. 474 § 7, 1981)

Section 8.12.070 Malfunction--City not liable.

Any corporation, firm or individual requesting permission to install a system through the city' s central control board shall be advised in writing by the city clerk that the city assumes no liability whatsoever for the proper installation or maintenance of the system so installed, and shall be further advised in writing that the city assumes no liability whatsoever for the malfunctioning of any such system. The city' s only obligation shall be to monitor any alarms sounded through its central control board, and to respond to such alarms in the manner such alarms are usually responded to by either the police department or fire department of the city. (Ord. 474 § 8, 1981)

Section 8.12.080 Connection fee.

The city clerk shall collect a fee, to be set from time to time by city ordinance, from any corporation, individual or other subscriber connecting any such burglary, robbery or fire alarm system to the city' s central control board. Such fee shall be collected annually at the beginning of each fiscal year of the city. Any corporation, firm, individual or other subscriber connecting any such system to the city' s central control board after the first day of the fiscal year of the city, shall be required to pay the full annual collection fee without any reduction based upon the remaining months of the year in question. (Amended during 1997 codification; Ord. 791 § 1, 1989: Ord. 474 § 9, 1981)

Section 8.12.090 False alarms--Fines.

Corporations, firms, individuals or other subscribers permitted to install a system through the city' s central control board shall be responsible for any and all false alarms. Each such corporation, firm, individual or other subscriber shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each false alarm received in excess of six during any twelve (12) month period. (Ord. 474 § 10, 1981)

Section 8.12.100 Disconnection or change to new system.

Any corporation, firm, individual or other subscriber already having installed a system through the city' s central control board shall not change from one alarm system to another without permission of the city council. Any corporation, firm, individual or other subscriber having installed a system through the city' s central control board who wished to disconnect same, shall give written notification to the city clerk prior to disconnection. Thereafter, any corporation, firm, individual or other subscriber shall be permitted to reconnect only with prior permission of the city council. (Ord. 474 § 11, 1981)

Chapter 8.16

CONTAGIOUS DISEASES

Sections:

- 8.16.010 Report required.**
- 8.16.020 Quarantine.**
- 8.16.030 Spreading contagion.**
- 8.16.040 Deliveries to quarantined premises.**
- 8.16.050 Violation--Penalty.**

Section 8.16.010 Report required.

Every physician called in to handle a case of a contagious or epidemic disease shall make a report of the same within twenty-four (24) hours after being called in, to the board of health. In case no physician is in attendance it shall be the duty of the person in charge or in care of any person with such a disease to make a report within twenty-four (24) hours from the time the disease is recognized. (Prior code § 15-3-1)

Section 8.16.020 Quarantine.

The board of health shall have charge of the enforcement of reasonable quarantine rules. They shall have the power and authority to place any premises within which a contagious or infectious disease occurs to be placed under quarantine, and shall determine the time when quarantine shall end. (Prior code § 15-3-2)

Section 8.16.030 Spreading contagion.

It is unlawful for any person to wilfully or carelessly aid or cause the spread of any contagious disease. (Prior code § 15-3-3)

Section 8.16.040 Deliveries to quarantined premises.

No person engaged in the delivery of food or drink intended for human consumption shall enter into any premises which are quarantined because of the existence of a contagious disease. No containers or bottles shall be removed from such premises until the termination of the quarantine, and no such containers which have been left at the premises during the quarantine shall be placed in use for the carrying of food or drink until they have been thoroughly sterilized. (Prior code § 15-3-4)

Section 8.16.050 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate

offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior code § 15-3-5)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 8.20**GARBAGE COLLECTION AND DISPOSAL****Sections:**

8.20.009A	Garbage, Recyclables and Refuse
8.20.010	Receptacle required.
8.20.020	Receptacle specifications.
8.20.030	Collection.
8.20.040	Deposit in street--Windblown refuse.
8.20.050	Fees.
8.20.059A	City Disposal Grounds
8.20.060	Establishment.
8.20.070	Use.
8.20.080	Operation.
8.20.090	Fees.
8.20.100	Removal of objects.
8.20.110	Violation--Penalty.
8.20.119A	Nuisance Abatement
8.20.120	Accumulation prohibited.
8.20.130	Nuisance abatement.
8.20.140	Lien.
8.20.150	Payment.
8.20.160	Foreclosure of lien.
8.20.170	Penalty.
Section 8.20.009A	Garbage, Recyclables and Refuse

Section 8.20.010 Receptacle required.

It shall be the duty of every owner or occupant of any house, building, flat, apartment or tenement, in the city where people reside, board or lodge, or where animal or vegetable food is prepared or served, at all times to maintain in good order and repair a receptacle for garbage and a separate receptacle for recyclables such as newspapers, glass bottles and jars, and tin, steel and aluminum cans. It shall be the duty of every such person to deposit nothing but garbage and recyclables in the receptacles provided for each, respectively. It shall be unlawful to place hot ashes in any receptacle, to remove recyclables from another persons receptacle, or for nonresidents of the city to deposit recyclables or garbage in the receptacle of a city resident. (Ord. 1390 § 1 (part), 1995: prior code § 15-1-1)

Section 8.20.020 Receptacle specifications.

A. The receptacle for garbage shall be of metal or plastic with a close-fitting cover, be watertight, have a maximum capacity of not to exceed thirty (30) gallons, and be provided with suitable handles. The basic monthly charge shall entitle the owner or occupant to a limit of one receptacle per house, building, flat, apartment or tenement. For each day a receptacle over the limit of one is utilized for garbage and refuse pickup, a sticker must be purchased at the office of the city clerk, or wherever else the stickers are made available to the public, and attached to each of the receptacles in excess of the above referenced limit.

B. The receptacle for the recyclables shall be plastic bins, for which there shall be no monthly charge, but for which the owner or occupant will be required to pay a one time initial fee that shall be included on the next practicable utility bill. (Ord. 1390 § 1 (part), 1995: prior code § 15-1-2)

Section 8.20.030 Collection.

Garbage and refuse collection shall be twice per week and occur Tuesdays and Fridays. Curbside collection for recyclables shall be twice per month and occur on the first and third Fridays of each month. On a quarterly basis collection for large items such as furniture and appliances will be made available. (Ord. 1390 § 1 (part), 1995: prior code § 15-1-3)

Section 8.20.040 Deposit in street--Windblown refuse.

It is unlawful to deposit any garbage, refuse or recyclables of any kind in or on any public street, alley or sidewalk, or other public way. It is further unlawful to place or deposit any refuse in such a place or container that the same can be blown about by winds. (Ord. 1390 § 1 (part), 1995: prior code § 15-1-4)

Section 8.20.050 Fees.

All fees related to the collection, removal and disposal of garbage, refuse and recyclables as provided for in this article shall be in the amount as set from time to time by city ordinance and shall be rendered each month on the utility bills in the same manner as the charges for water and sewer service. (Ord. 1390 § 1 (part), 1995: prior code § 15-1-5)

Section 8.20.059A City Disposal Grounds

Section 8.20.060 Establishment.

The area heretofore established as a sanitary landfill, disposal ground, transfer station or city dump, or any other area hereafter so established, shall be considered to be city disposal grounds. (Ord. 693 § 1 (part), 1988: prior code § 15-2-1)

Section 8.20.070 Use.

All persons, firms or corporations, and their agents and employees whose residences or places of doing business are within the corporate limits of the city shall be privileged to use the city disposal grounds in accordance with the provisions, requirements, regulations and restrictions as follows:

A. No liquid wastes, special wastes or hazardous wastes or industrial process wastes (as same shall, from time to time, be defined by Illinois Environmental Protection Act Regulations), or any other materials, objects or articles except as hereinafter described and permitted, including but not limited to garbage, vegetable matter subject to decay, bodies of animals, grease or fat shall be dumped or disposed of at city disposal grounds. City disposal grounds shall be limited to dumping and disposing of sanitary solid wastes as herein defined.

B. Landscape waste may be dumped and disposed of by burning or burial in accordance with the city's Illinois Environmental Protection Act Solid Waste Disposal Ground Permit, at city disposal grounds. Landscape waste shall include and shall be limited to, accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other herbaceous and plant or plant like materials created as a result of the care of lawns, shrubbery, vines, trees and the like in the city.

C. The following general household and commercial waste shall be placed in refuse containers at transfer station facilities to be located at city disposal grounds, which refuse containers shall then be hauled away from the disposal grounds and disposed of at an Illinois Environmental Protection Agency approved and permitted facility, in accordance with the Illinois Environmental Protection Agency Transfer Station Permit issued to the city: large appliances: washers, dryers, refrigerators, freezers, stoves, dishwashers, garbage disposals, water heaters, furnaces, televisions, stereos, humidifiers, air conditioners and water softeners; furniture: couches, chairs, tables, dressers, chest of drawers, mattresses, head and foot boards; and automobile parts: tires, wheels, power train subassemblies, seats, convertible tops, sheet metal, bumpers, steering wheels, and windows.

No liquids, residues or leachates shall be allowed in a city transfer station. The transfer station shall not accept, receive, store or transfer any special waste, liquid or putrescible material and shall handle for disposal only the above-described materials.

D. The only materials that may be disposed of in a city landfill solid waste disposal grounds facility, other than the landscape wastes described above, shall be building demolition

debris and building construction wastes. (Ord. 693 § 1 (part), 1988: prior code § 15-2-2)

Section 8.20.080 Operation.

During operating hours when the solid waste disposal ground facility is open to the public for business, there shall be an on-site caretaker on the facility's premises who shall be in charge of dumping and disposal at the sanitary landfill and transfer station facilities. The caretaker shall screen wastes brought to this site for disposal. The caretaker's decision on disposal of wastes brought to the site for disposal shall be final. All persons, firms or corporations using the solid waste disposal ground facility must abide by the decisions and directives of the caretaker with regard to dumping and disposal of articles, materials and wastes and must abide by all rules and regulations posted on the premises. Adopting and posting of rules, regulations and notices on disposal grounds shall be in accordance with the directive of the city council committee on disposal grounds, garbage and refuse and/or the city council.

It is unlawful for the public to enter solid waste disposal grounds of the city except when there is a caretaker on duty and the facility is open to the public for business. (Ord. 693 § 1 (part), 1988: prior code § 15-2-3)

Section 8.20.090 Fees.

The fees charged for the use of the city disposal grounds shall be in the amount as set from time to time by city ordinance.

Notwithstanding anything herein to the contrary, no fees shall be assessed or charged persons, firms or corporations and their agents and employees who are entitled to use the city's disposal grounds for disposal of leaves, grass clippings, and yard waste at the city's disposal grounds.

The appropriate fee to be assessed shall be determined by the caretaker on duty at the time the solid waste disposal grounds facility is sought to be used.

For city residents who receive monthly utility bills from the city clerk, the fee assessed may be added to the user's utility bill for the next monthly billing due after the date of the use of the disposal grounds facilities. All others will be required to obtain a disposal grounds pass from the city clerk which will identify them by name, number and address. They will be billed by the city clerk as soon as practicable after each usage of the city's disposal grounds facilities. All fees shall be due in full at the time of billing. A currently effective fee schedule for use of each solid waste disposal grounds facility shall be posted, in plain view and in a conspicuous location, at the entrance to each disposal grounds site. (Ord. 887 § 1, 1991: Ord. 759 § 1, 1989: Ord. 693 § 1 (part), 1988: prior code § 15-2-4)

Section 8.20.100 Removal of objects.

It is unlawful for any person, firm or corporation to remove any material, article or object which has been deposited or dumped at city disposal grounds, except upon written permission from the on-site caretaker, the chairman of the city council committee on disposal grounds garbage and refuse or the mayor. (Ord. 693 § 1 (part), 1988: prior code § 15-2-5)

Section 8.20.110 Violation--Penalty.

Any person, firm or corporation violating or refusing to comply with any provision of this article shall be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 693 § 1 (part), 1988: prior code § 15-2-6)
(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Section 8.20.119A Nuisance Abatement

Section 8.20.120 Accumulation prohibited.

It shall be unlawful for any person or other entity to permit or maintain garbage, trash, vehicle parts, and/or components or other material or matter of a kind that is noxious, offensive, or unsightly on their premises or private property and the same are hereby declared to be a nuisance.

(Ord. 1609 § 1, 1997: prior code § 25-3-1)
(Ordinance No. 2544, Amended, 04/16/2007)

Section 8.20.130 Nuisance abatement.

The city, by and through its police department and/or building inspector, is hereby authorized to abate any such nuisance existing in the city, with or without prior notice to the person or entity causing or maintaining the nuisance.

If deemed appropriate by the city's police chief or his designee or the

city's building inspector, the city may, but shall not be required to, serve a written notice upon the owner, occupant, agent or person in possession or control of any lot, building or premises or upon which any nuisance may be found in the city, or who may be the owner or cause of any such nuisance, requiring them to abate the same within a specified period of time in such a manner as the designated authority shall prescribe. It shall not be necessary in any case for the designated authority to specify in the notice the manner in which the nuisance shall be abated, unless he shall deem it advisable to do so."

(Prior code § 25-3-2)

(Ordinance No. 2544, Amended, 04/16/2007, Changed Section to Nuisance Abatement.; Ordinance No. 2544, Amended, 04/16/2007, Changed Section to Nuisance abatement.)

Section 8.20.140 Lien.

Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof;
- B. The amount of money representing the cost and expense incurred or payable for the service;
- C. The date or dates when the cost and expense was incurred by the city and shall be filed within sixty (60) days after the cost and expense is incurred. (Prior code § 25-3-5)

(Ordinance No. 2544, Renumbered, 04/16/2007, Changed 8.20.160 Lien to 8.20.140 Lien)

Section 8.20.150 Payment.

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. (Prior code § 25-3-6)

(Ordinance No. 2544, Renumbered, 04/16/2007, Changed Section 8.20.170 Payment to 8.20.150 Payment.)

Section 8.20.160 Foreclosure of lien.

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the city, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two years after the date of filing notice of lien. (Prior code § 25-3-7)

(Ordinance No. 2544, Renumbered, 04/16/2007, Changed Section 8.10.180 Foreclosure of Lien to Section 8.20.160 Foreclosure of Lien.)

Section 8.20.170 Penalty.

Any person found guilty of violating the provisions of this chapter shall, in addition to the penalties provided, upon conviction be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00). Each day upon which a violation occurs or continues shall be deemed a separate offense.

(Prior code § 25-3-8)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 2544, Renumbered, 04/16/2007, Changed Section 8.20.160 Penalty to Section 8.20.170 Penalty.; Ordinance No. 2544, Amended, 04/16/2007, Amended and Renumbered, Penalty Section from 8.20.190 to 8.20.160.)

Chapter 8.24

NUISANCES

Sections:

8.24.010	Specific nuisances enumerated.
8.24.020	Nuisances detrimental to health generally.
8.24.030	Unhealthful businesses.
8.24.035	False alarms.
8.24.040	Nuisance abatement.
8.24.050	Nuisance offense.
8.24.060	Abatement.
8.24.070	Violation--Penalty.
Section 8.24.010	Specific nuisances enumerated.

It is declared to be a nuisance and to be against the health, peace and comfort of the city, for any person, firm or corporation within the limits of the city to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

1. Filth. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others;
2. Deposit of Offensive Materials. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway;
3. Corruption of Water. To corrupt or render unwholesome or impure, the water of any spring, river, stream, pond or lake to the injury or prejudice of others;
4. Highway Encroachment. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places;
5. Manufacturing Gunpowder. To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore in any building within five hundred (500) feet of any

valuable building erected at the time such business may be commenced;

6. Powder Magazines. To establish powder magazines near incorporated towns at a point different from that appointed according to law by the corporate authorities of the town, or within one thousand (1,000) feet of any occupied dwelling house;
7. Noxious Odors. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public;
8. Unlawful Advertising. To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway, or other public place, without permission of the proper authorities;
9. Wells Unplugged. To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled;
10. Burn-Out Pits. To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit," so that salt water, brine or oil field refuse or other waste liquids may escape there from in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse;
11. Discarded Materials. To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well;

12. Underground Wells. To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another;
13. Harassment. To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property;
14. Business. To establish, maintain and carry on any offensive or unwholesome business within the city limits or within one mile of the limits;
15. Filthy Premise Conditions. To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds and premises belonging to or occupied by him;
16. Expectorate. To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall;
17. Animals Prohibited. To own or possess any swine, goats, horses, or fowl or cattle within the city, unless permitted in a zoned district;
18. Litter on City Streets. It is unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon city streets from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving

vehicle and to remain thereon;

19. Slaughtering, Slaughterhouses, Etc. To slaughter or kill any animals within the city, or to locate or maintain at any place within the city, or within a radius of one mile without the city, any slaughterhouse, packing house, rendering establishment or bone factory, or to suffer or permit any premises at any place within the limits aforesaid used for any of the purposes aforesaid to become foul or offensive;
20. Accumulations of Junk, Trash. To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the city;
21. Rodents. To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents;
22. Bringing Nuisances into the City. To bring into the city, or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the city, or which may or shall be dangerous or detrimental to health;
23. Offensive Liquids. To keep any nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive or putrid, nor permit any such liquid to be discharged, placed, thrown or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises;
24. General. To commit any offense which is a nuisance according to the common law of the land or made such by statute of the state;
25. On Premises Parking. Except on and adjoining the city streets

and public ways exempt from the application of this chapter, which are described in the following paragraph of this subsection, it shall be a parking violation to park any vehicle, boat or trailer on the unpaved portion or part of any front yard of any developed or improved lot or parcel of real estate located within the corporate limits of the city or upon undeveloped and unimproved subdivision lots or real estate parcels located within the city limits of the city or upon any public sidewalk or portion thereof or upon any portion of the area between any public sidewalk and the curb of any street, commonly known as a parkway.

This subsection pertaining to on premises parking shall not apply to the parking of vehicles on the portion of front yards located nearest to the front lot line and adjoining streets in the city which do not have curbing, on which lots it shall not be an offense to park vehicles on front yards at the location aforesaid. (Amended during 1997 codification; Ord. 1518 § 1, 1996; prior code § 25-1-1)

26. **Dogs or Cats Running At Large.** It is unlawful for any person owning or having control of any dog or cat to knowingly or negligently permit or allow a dog or cat to go upon any premises other than the premises of the owner or the person in control of such animal. Such conduct on the part of the owner or person in control of any dog or cat is declared a nuisance. A "dog" means all members of the classification *canis familiaris*. "Cat" means all members of the classification *felis catus*. Feral or wild dogs or cats roaming at large in the City are declared a nuisance. Any person feeding or housing feral dogs or cats shall be deemed guilty of a nuisance violation in the City. Any dog or cat shall be deemed to be at large when it is off of the property of its owner, possessor or keeper and not under the control of a competent person under a leash, cord, chain or otherwise. A dog or cat is deemed under restraint within the property limits of its owner, possessor or keeper. Every dog or cat running at large within the City shall be subject to impoundment by the County Animal Control Officer of the county where the animal is found running at large.

27. Exterior Real Estate Lighting. Exterior lighting on real estate in the city will be constructed and installed in such a manner that the beam of light from each light source shall be directed away from neighboring properties and confined to the area of the subject property on which the exterior light source is located. It is declared to be a nuisance to install one or more exterior light sources on real estate in the city in such a manner that the beam of light from the light source is directed onto neighboring properties.

(8.24.010, Amended, 09/25/2009, Cleaned up spacing and tabs - Specific Nuisances Enumerated.; Section 8.24.010, Amended, 09/25/2009, Cleaned up spacing and tabs, Specific Nuisances Enumerated.; Section 8.24.010, Amended, 09/25/2009, Cleaned up tabs and spacing for Specific Nuisances Enumerated.; Ordinance No. 2534, Added, 03/05/2007, Added Exterior Real Estate Lighting to list of nuisances.; 8.24.010 (Ord. 1984), Amended, 09/17/2001)

Section 8.24.020 Nuisances detrimental to health generally.

No building, vehicle, structure, receptacle, yard, lot, premise or part thereof, shall be made, used, kept, maintained or operated in the city, if such use, keeping, maintaining of same shall be dangerous or detrimental to health. (Prior code § 25-1-2)

Section 8.24.030 Unhealthful businesses.

No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or be used therein, or be used in any work or labor performed in the city, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor. (Prior code § 25-1-3)

Section 8.24.035 False alarms.

It shall be unlawful for any person to transmit a false alarm to the city fire department, the city police department or the city emergency medical service in violation of this section.

1. As used in this section, the following definitions shall apply:

A. “Alarm” shall mean any mechanical or electric device or assembly of equipment, designed or arranged to signal the occurrence of an illegal entry, a fire, an emergency medical assistance need or other activity requiring urgent attention and to which the police department, the fire department and/or an emergency medical service are expected to respond.

B. “Alarm Company” means any firm, person, partnership, corporation or other legal entity required to be licensed by the state which, with respect to any alarm installed upon any premises within the city, has servicing, maintenance or monitoring duties or responsibilities under the terms of any agreement or arrangement with an alarm user.

C. “Alarm User” means any person, firm, partnership, corporation, or other legal entity of any kind in control of any building, premises, structure or facility upon which an alarm is maintained.

D. “False Alarm” shall mean an alarm signal to which a police department, a fire department and/or emergency medical service respond with emergency service personnel and/or equipment when a situation requiring such response does not in fact exist, and which signal is caused by the inadvertence, negligence or an intentional act or omission of an alarm company or alarm user, or a malfunction of the alarm. The following shall not be considered false alarms:

(1) Alarms caused by the installation, repair, maintenance, or testing of an alarm if the public safety agency is notified in advance of the activity in connection with the alarm system.

(2) Alarms caused by an act of God, including earthquakes, floods, wind storms, thunder or lightning (but excluding dust, dirt, insects or rodents or similar causes that are the result of faulty inspection and maintenance).

(3) Alarms caused by an attempted illegal entry of which there is visible evidence.

(4) Alarms caused by the installation, repair, maintenance or testing of electrical utility equipment or lines if the public safety agency was notified in advance of the activity in connection with the alarm system.

(5) False alarms if the public safety agency is notified that the alarm is unfounded before a public safety agency responds to the alarm.

E. “Response” means the activation of the personnel and equipment of the emergency service agency to initiate movement in the direction of the alarm for purposes of servicing the alarm.

2. False alarm penalty.

A. Any alarm user who has more than two (2) false alarms within a twelve (12) month period at a single protected location will be assessed fines according to the following schedule:

3rd – 5th – One Hundred Dollars (\$100.00) fine per false alarm;

6th – 9th – One Hundred Fifty Dollars (\$150.00) fine per false alarm; and,

More than 9 false alarms – Two Hundred Dollars (\$200.00) fine per false alarm.

(All the preceding was amended by Ordinance No. 3180 passed and approved 04/20/2015.) (B & C below not amended by Ord. 3180.)

B. All fines must be paid to the City Clerk's office within thirty (30) days from the date notice demanding payment of the fine(s) is mailed or personally delivered by the City Clerk or the City Police Department shall file a non-traffic complaint against the alarm user for ordinance violation(s) in the Circuit Court.

C. The Chief or Director of the emergency service agency, or their designee, shall notify the alarm user, in writing, of each instance wherein his department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery of the notice to submit a response or meet with the Chief or Director, or their designee, for the purposes of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Chief, Director or their designee shall review the alarm user's response and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will stand or be voided. The finding of the Chief or Director or their designee shall be final.

D. In any prosecution for charging a violation of this section, proof that a false alarm occurred at the particular building, premises, structure or facility described in the complaint and that the party charged is the alarm user shall constitute prima facie proof of a violation.

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 2543, Added, 04/16/2007, Added 8.25.035 False Alarms.)

Section 8.24.040 Nuisance abatement.

It shall be unlawful for any person or other entity to permit or maintain the existence of any nuisance on any

property located in the city that is under that person's or entity's control.

The city, by and through its police department and/or its building inspector, is hereby authorized to abate any such nuisance existing in the city, with or without prior notice to the person or entity causing or maintaining the nuisance.

If deemed appropriate by the city's police chief or his designee, or the city's building inspector, the city may, but shall not be required to, serve a written notice upon the owner, occupant, agent or person in possession or control of any lot, building or premises or upon which any nuisance may be found in the city, or who may be the owner or cause of any such nuisance, requiring them to abate the same within a specified period of time in such a manner as the designated authority shall prescribe. It shall not be necessary in any case for the designated authority to specify in the notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so.

(Prior code § 25-1-4)

(Ordinance No. 2544, Amended, 04/16/2007, Amended and renumbered, Section 8.24.040 Nuisance abatement.; Ordinance No. 2544, Amended, 04/16/2007, Renamed Section from Notice to abate to Nuisance abatement.)

Section 8.24.050 Nuisance offense.

Any person or other entity which creates, maintains or allows the creation and/or maintenance of a nuisance in the city shall be guilty of a misdemeanor offense.

(Prior code § 25-1-5)

(Ordinance No. 2544, Amended, 04/16/2007, Amended Section and changed title from Failure to comply with notice to Nuisance offense.)

Section 8.24.060 Abatement.

It shall be the duty of the city police department and or the city's building inspector to cause a nuisance in the city to be abated, with or without prior notice to the person or entity causing or maintaining the nuisance. The expense of such abatement shall be paid by the person or entity who shall have created or suffered such nuisance to exist or to be maintained, in addition to any penalty or fine.

With regard to vehicles, boats or trailers parked In violation of Section 8.24.010(25), the city police may have the same removed from the premises where the parking violation is occurring and may store same at the city's impoundment facility or the city public safety complex, charge a reasonable fee for the storage, and all costs of the removal and storage shall be paid by the owner of the vehicle, boat or trailer involved or such other person as shall have created or suffered such violation to exist if the same be other than the owner.

(Ord. 1518 § 2, 1996: prior code § 25-1-6)

(Ordinance No. 2544, Amended, 04/16/2007, Amended Abatement Section.)

Section 8.24.070 Violation--Penalty.

If an person or entity creates or maintains a nuisance in the city and is found guilty of violating any section of this chapter, that person or entity shall be punished by assessment of a fine of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

With regard to a violation of on premises parking under Section 8.24.010(25), a separate offense shall be deemed committed on each day during or on which a parking violation occurs or continues for each vehicle, watercraft or trailer that is illegally parked.

(Ord. 1518 § 3, 1996: prior code § 25-1-7)

(Ordinance No. 2544, Amended, 04/16/2007, Amended Section 8.24.070 Violation - Penalty.)

Chapter 8.26

CHRONIC NUISANCE PROPERTY

Sections:

8.26.010	Nuisance properties.
8.26.020	Definitions.
8.26.030	Remedy.
8.26.040	Abatement of nuisance.
8.26.050	Procedure.
8.26.060	Commencement of action, burden of proof.
8.26.070	Emergency closure procedures.
8.26.080	Severability.
8.26.090	Conflicts; applicability.
8.26.100	Exemptions.
Section 8.26.010	Nuisance properties.

A. Any certain property within the city which becomes a chronic nuisance property is in violation of this chapter and subject to its remedies.

B. Any person in charge who permits property under his or her ownership or control to become and be a public nuisance property shall be in violation of this chapter and shall be subject to its remedies.

(Ordinance No. 2518, Added, 11/20/2006, Added Nuisance properties.)

Section 8.26.020 Definitions.

“Chief of Police” means the chief of police of the City of Columbia, Illinois or any officer designated by the Columbia police chief.

“Chronic nuisance property” means property on which two (2) or more of the activities or behaviors listed below have occurred during any three hundred sixty five (365) day period, as a result of the concurrence of any two (2), separate factual events constituting violations that have been independently investigated and determined to have occurred by any law enforcement agency:

A. The commission of any of the following Illinois Criminal Code violations as specified in 720 ILCS 5/37-1, to wit: murder as defined in 720 ILCS 5/9-1; kidnapping or aggravated kidnapping as defined in 720 ILCS 5/10-1 & 720 ILCS 5/10-2, respectively; prostitution or solicitation of prostitution as defined in 720 ILCS 5/11-14 & 720 ICS

5/11-15, respectively; pandering as defined in 720 ILCS 5/11-16;
 keeping a place of prostitution as defined in 720 ILCS 5/11-17;
 obscenity and child pornography as defined in 720 ILCS 5/11-20 & 720

ILCS 5/11-20.1, respectively; distribution of harmful material to a child
 or distribution of obscene publications as defined in 720
 ILCS 5/11-21 & 720 ILCS 5/11-22, respectively;

criminal housing management as defined in 720 ILCS 5/12-5.1; theft as defined
 in 720 ILCS 5/16-1; possession of explosives or explosive or

incendiary device as defined in 720 ILCS 5/20-2; selling,
 manufacturing, purchasing or carrying a machine gun as defined in

720 ILCS 5/24-1, A-7; unlawful sale of firearms as defined in 720 ILCS
 5/24-3; gambling or keeping a gambling place as defined

in 720 ILCS 5/28-1 & 720 ILCS 5/28-3, respectively;

and concealing or aiding a fugitive as defined in 720 ILCS 5/31-5.

B. Unlawful use of a weapon as defined in 720 ILCS 5/24-1, et.
 seq.

C. Mob action as defined in 720 ILCS 5/25-1.

D. Discharge of a firearm as defined in 720 ILCS 5/24-1.2 & 1.5.

E. Selling, serving, storing, delivering, manufacturing, cultivating,
 giving away, or using controlled substances as controlled
 substances are defined in 720 ILCS 550/1, et. seq.

F. Sexual abuse or related offenses as defined in 720 ILCS 5/12-15,
 et. seq.

G. Public indecency as defined in 720 ILCS 5/11-9.

H. Selling, serving, storing, delivering, manufacturing, cultivating,
 giving away or using cannabis as prohibited by 740 ILCS 40/2 and as
 cannabis is defined in 720 ILCS 570/201, et. seq.

I. Illegal consumption or possession of alcohol as defined in 235
 ILCS 5/1, et. seq.

J. Battery as defined in 720 ILCS 5/12-3.

K. Domestic battery as defined 720 ILCS 5/12-3.2.

“Control” means the ability to regulate, restrain, dominate, counteract or
 govern conduct that occurs on the subject property.

“Owner” means any person, firm, corporation, trust, other legal entity, or
 agent thereof, having a legal or equitable interest in the property.
 Owner includes, but is not limited to: (a) mortgagee in possession of
 property, (b) occupant who can control what occurs on the property, and, (c) a
 property manager.

“Permit” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the commission of an act that is a nuisance violation under this chapter.

“Person” means any natural person, association, partnership, corporation, trust or other legal entity capable of owning or using property in the city.

“Person in charge” means any person in actual or constructive possession of a property, including but not limited to, an owner, agent of owner, property manager, or occupant of property in possession and control of the property.

“Property” means any real estate, including land and land improvements and appurtenances, including but not limited to, any premises, rooming house, building or structure, or part or portion thereof.
(Ordinance No. 2518, Added, 11/20/2006, Added Definitions.)

Section 8.26.030 Remedy.

A. In the event a court of competent jurisdiction determines property to be a chronic nuisance property as defined in this chapter, the court may order that the property be closed and secured against all use and occupancy for a period of not less than thirty (30) days, nor more than three hundred and sixth five (365) days, or the court may employ any other remedy deemed by the court to be appropriate to abate the nuisance.

B. In addition to the remedy provided in subsection A of this section, the court may impose upon the owner of the property a civil penalty in the amount of up to one hundred fifty dollars (\$150) per day, payable to the city for each day the owner had actual knowledge that the property was a chronic nuisance property and permitted the property to remain a chronic nuisance property.

C. In determining what remedy or remedies the court shall employ, the court may consider evidence of other conduct which has occurred on the property, including but not limited to:

1. The disturbance of neighbors.
2. The reoccurrence of loud and obnoxious noises disturbing the peace of the neighborhood.
3. Repeated consumption of alcohol in public.

(Ordinance No. 2518, Added, 11/20/2006, Added Remedy.)

Section 8.26.040 Abatement of nuisance.

The corporate legal counsel of the city may commence an action to abate a public nuisance as defined in this chapter. Upon being satisfied by affidavits

or other sworn evidence that an alleged public nuisance exists, the court may, without notice or bond, enter a temporary restraining order or preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any defendant from removing or interfering with real or personal property used in connection with the public nuisance.

(Ordinance No. 2518, Added, 11/20/2006, Added Abatement of nuisance.)

Section 8.26.050 Procedure.

A. When the chief of police or assistant police chief of the city receives one (1) or more police reports documenting the occurrence of nuisance activity as nuisance activity is defined in Section 8.26.020 above on or within a property in the city, the police chief or assistant police chief shall independently review each report to determine whether the report describes acts prohibited by this chapter. Upon a finding by the police chief or assistant police chief that one (1) or more police reports do describe such acts, they may:

1. Notify the person in charge of the property in writing that the property is in danger of becoming a chronic public nuisance. The notice shall contain the following information:

a. The street address or legal description sufficient for identification of the property.

b. A statement that the police chief or assistant police chief has information that the property may be or is in danger of becoming a chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The police chief or assistant police chief shall offer the person in charge an opportunity to propose or agree upon a course of action that the police chief or assistant police chief agrees will abate the nuisance activities giving rise to the violations.

c. Demand that the person in charge respond to the police chief or assistant police chief within ten (10) days to discuss the nuisance activity.

B. After complying with the notification procedures described in subsection A of this section, when the chief of police or assistant chief of police receives a police report documenting the occurrence of a second (2nd) nuisance activity violation at or within a property and determines that the property has become a chronic nuisance property, the police chief or assistant police chief shall:

1. Notify the person in charge of the property in writing that the property has been determined to be a

chronic nuisance property. The notice shall contain the following information:

a. The street address or legal description sufficient to identify the property.

b. A statement that the police chief or assistant police chief has determined the property to be a chronic nuisance property, with a concise description of the nuisance activity violation leading to his or her findings.

c. Demand that the person in charge respond within ten (10) days to said police chief or assistant police chief to propose or agree upon a course of action that said police chief or assistant police chief agrees will abate the nuisance activity giving rise to the violation.

d. Service of the notice shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge of the property at the address of the property believed to be a chronic nuisance property, or such other place as is likely to give the person in charge notice of the determination of said police chief or assistant police chief.

e. A copy of the notice shall be served on the property owner at such address as is shown to be the owner's address on the tax rolls of the county in which the property is located, and/or the occupant, at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.

f. A copy of the notice shall also be posted at the property after ten (10) days have elapsed from the service or mailing of the notice to the person in charge if the person in charge has not contacted said police chief or assistant police chief.

g. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this chapter.

2. After the notification, but prior to the commencement of legal proceedings by the city pursuant to this chapter, if a person in charge and/or the property owner stipulates with the police chief or assistant police chief that he, she or they will pursue a course of action the parties agree will abate the

nuisance activities giving rise to the violation, (which may include eviction of a tenant who is causing or contribution to the causing of a chronic nuisance as defined in this chapter, under and pursuant to the Illinois Forcible Entry and Detainer Act, 765 ILCS 705/5(a) said police chief or assistant police chief may agree to postpone legal action for a period of not less than ten (10) days nor more than sixty (60) days. If the agreed course of action does not result in the abatement of the nuisance activity (or if the nuisance activity cannot reasonably be expected to be abated within the period of time aforesaid, [as in cases involving the eviction of a tenant under the Illinois Forcible Entry and Detainer Act as aforesaid], then the initiation of the activity required to abate the nuisance is initiated within that time period) or if no agreement concerning abatement of the nuisance is reached within thirty (30) days, said police chief or assistant police chief, as the case may be, shall request authorization from the city council for the corporate legal counsel of the city to commence legal action to abate the nuisance.

3. Concurrent with the notification procedure set forth herein, the police chief or assistant police chief shall send copies of the notice, as well as other documentation which supports legal proceedings, to the city's corporate legal counsel.

C. When a person in charge of property makes a response to the police chief or assistant police chief as required above, any conduct or statement made by them in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have occurred or are occurring. This subsection does not require the exclusion of any evidence which would be otherwise admissible or offered for any other purpose, (including knowledge and notice on the part of said person in charge that nuisance activity has occurred or is occurring as determined by the city's police department).

(Ordinance No. 2518, Added, 11/20/2006, Added Procedure.)

Section 8.26.060 Commencement of action, burden of proof.

A. In an action seeking closure of chronic nuisance property, the city shall have the initial burden of showing by a preponderance of the evidence the property is a chronic nuisance property as defined in this chapter.

B. It shall be a defense to an action seeking the closure of chronic nuisance property that the owner of the property at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic nuisance property.

C. In determining the amount of any civil penalty requested, the court may consider any of the following factors and may recite the applicable court finds in the court's order assessing the civil penalty:

1. The actions or lack of action taken by the person in charge to mitigate or correct the problem at the nuisance property.

2. Whether the problem at the property was repeated or continuous.

3. The magnitude or gravity of the problem.

4. The cooperation of the person in charge with the city.

5. The cost of the city investigating and correcting or attempting to correct the condition.

(Ordinance No. 2518, Added, 11/20/2006, Added Commencement of action, burden of proof.)

Section 8.26.070 Emergency closure procedures.

A. In the event the mayor and/or the city administrator and/or the city council determine that the property is an immediate threat to the public safety and welfare, the city may apply to a court of competent jurisdiction for interim relief, as is deemed by said mayor, city administrator or city council to be appropriate. In such an event, the notification provision set forth in section 8.26.050 of this chapter need not be complied with, however, the city shall make a diligent effort to notify the person in charge prior to a court hearing.

B. In the event that the court finds that the subject property constitutes "chronic nuisance property" as defined in this chapter, the court may order the abatement of the nuisance and/or the assessment of a fine as provided in section 8.26.030 of this chapter. In the event that the court finds the person in charge had knowledge of the activities or conditions of property constituting a violation of this chapter and permitted the activities to occur, the court shall assess a civil fine as provided in section 8.26.030 of this chapter.

C. The court may authorize the city to physically secure the property against use or occupancy in the event the owner or person in charge fails to do so within the time specified by the court. In the event that the city is authorized to secure the property, all costs reasonably incurred by the city to effect a closure shall be made and assessed against the property owner and shall be a lien against the property. As used herein, "costs" means those costs actually incurred by the city for the physical securing of the property.

D. The city's department of public works affecting the closure shall prepare a statement of costs and the city shall thereafter submit said statement to the court and the owner for their review. If no objection to the statement is made within the period required by the court, a judgment for said sum shall be entered against the owner and a lien in that sum may be recorded against said property. Said lien shall be enforced as in the cases of enforcements of Illinois mechanics liens and/or Illinois mortgage foreclosures.

E. Any person who is assessed the cost of closure and/or civil penalties by the court shall be personally liable for the payment thereof to the city.

(Ordinance No. 2518, Added, 11/20/2006, Added Emergency closure procedures.)

Section 8.26.080 Severability.

If any provision of this chapter as applied to any person or circumstance is held to be invalid by a court of competent jurisdiction for any reason, the remainder of this chapter in the application of its provisions will remain and be in full force and effect, as changed and amended by said determination of invalidity.

(Ordinance No. 2518, Added, 11/20/2006, Added Severability.)

Section 8.26.090 Conflicts; applicability.

All ordinances or resolutions or parts of ordinance or resolutions in conflict herewith, including Chapter 8.24 (NUISANCES) and Sections 8.24.040, 8.24.050, 8.24.060 and 8.24.070 thereof shall remain and be in full force and effect but shall not apply to and shall be preempted by this chapter with regard to defining and prohibiting chronic nuisance property in the city."

(Ordinance No. 2518, Added, 11/20/2006, Added Conflicts; applicability.)

Section 8.26.100 Exemptions.

Notwithstanding any other provisions within this Chapter, and consistent with the terms and conditions of 65 ILCS 5/1-2-1.5, no property shall be considered a chronic nuisance if the law enforcement investigations and determinations arise from calls for assistance from any victim of domestic abuse, any victim of domestic violence or when contact was made by, on behalf of, or otherwise concerning a person with a disability and the purpose of the contact was related to that person's disability.

However, nothing herein shall prevent the enforcement of this code against a landlord or tenant of the property who may be a victim of domestic abuse, domestic violence, or be disabled when said person's victimhood or

disability is unrelated to the law enforcement activity causing the property to be a chronic nuisance.

(Ordinance No. 3209, Added, 10/19/2015, Added Section 8.26.100 Exemptions.)

Chapter 8.28

WEEDS

Sections:

- 8.28.010 Weeds defined.**
- 8.28.020 Height.**
- 8.28.030 Notice.**
- 8.28.040 Service of notice.**
- 8.28.050 Abatement.**
- 8.28.060 Lien.**
- 8.28.070 Payment.**
- 8.28.080 Foreclosure of lien.**

Section 8.28.010 Weeds defined.

"Weeds," as used in this chapter, shall include, but not be limited to the following: Burdock, Ragweed (giant), Ragweed (common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds, as defined by the statutes of the state of Illinois. (Prior code § 25-2-1)

Section 8.28.020 Height.

It is unlawful for anyone to permit any weeds (other than weeds of the kind and character referred to in the above section hereof), grass or plants, other than trees, bushes, flowers, or other vegetable and ornamental plants, to grow to a height exceeding eight inches anywhere in the city; and such plants or weeds exceeding such heights are declared to be a nuisance. (Prior code § 25-2-2)

Section 8.28.030 Notice.

The police, or any other person so designated by the mayor or city council may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within five days after such notice has been duly served. (Prior code § 25-2-3)

Section 8.28.040 Service of notice.

Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of

the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises. (Prior code § 25-2-5)

Section 8.28.050 Abatement.

If the person so served does not abate the nuisance within five days, the city may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant. (Prior code § 25-2-6)

Section 8.28.060 Lien.

Charges for such weed removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the city shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof;
- B. The amount of money representing the cost and expense incurred or payable for the service;
- C. The date or dates when said cost and expense was incurred by the city, and shall be filed within sixty (60) days after the cost and expense is incurred. (Prior code § 25-2-7)

Section 8.28.070 Payment.

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in

whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property. (Prior code § 25-2-8)

Section 8.28.080 Foreclosure of lien.

Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the city after lien is in effect for sixty (60) days. (Prior code § 25-2-9)

Chapter 8.32

MISCELLANEOUS HEALTH REGULATIONS

Sections:

- 8.32.010 Unwholesome food.**
- 8.32.020 Sanitary regulations.**
- 8.32.030 Water courses.**
- 8.32.040 Pools.**
- 8.32.050 Refuse.**
- 8.32.060 Cemeteries.**

Section 8.32.010 Unwholesome food.

It is unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the city. (Prior code § 15-4-1)

Section 8.32.020 Sanitary regulations.

All premises used in the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It is unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for sale. Premises shall be kept free from flies and vermin of all kinds. (Prior code § 15-4-2)

Section 8.32.030 Water courses.

It is unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any water course or source of water supply in the city. (Prior code § 15-4-3)

Section 8.32.040 Pools.

Any stagnant pool of water in the city is declared to be a nuisance. It is unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control. (Prior code § 15-4-4)

Section 8.32.050 Refuse.

It is unlawful for any person, firm or corporation to deposit anywhere in the city any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried at least two feet below the surface of the ground, or burned in properly constructed incinerators or otherwise properly disposed of. Any uncovered pile of refuse is declared to be a

nuisance. (Prior code § 15-4-5)

Section 8.32.060 Cemeteries.

It is unlawful for any person, firm or corporation to establish a cemetery within the city limits, or within a mile thereof, without a permit therefor from the city council. (Amended during 1997 codification; prior code § 15-4-6)

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04	GENERAL PROVISIONS
9.08	OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT
9.12	OFFENSES AGAINST PUBLIC PEACE AND DECENCY
9.16	OFFENSES AGAINST PROPERTY
9.20	OFFENSES BY OR AGAINST MINORS
9.24	NOISE
9.28	WEAPONS, EXPLOSIVES AND FIREWORKS
9.32	REGULATION OF USE OF CANNABIS

Chapter 9.04

GENERAL PROVISIONS

Sections:

9.04.010 Definitions.

9.04.020 Violation--Penalty.

Section 9.04.010 Definitions.

For the purpose of this title, the following words and phrases described in this title have the following meaning, except when a particular context clearly requires a different meaning.

"Acquittal" means a verdict or finding of not guilty of an ordinance offense, rendered by a legally constituted jury, or by a court of competent jurisdiction authorized to try the case without a jury.

"Act" includes a failure or omission to take action.

"Another" means a person or persons (as defined in Chapter 38, Illinois Revised Statutes, as approved, adopted and amended) other than the offender.

"City" or "this city" means the city of Columbia, Illinois and all of the land and water in respect to which the city has either exclusive or concurrent jurisdiction, and the air space above such land and water.

"Code" or "municipal code" means the municipal code of the city.

"Conduct" means an act or a series of acts, and the accompanying mental state.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an ordinance offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

"Dwelling" means a building or a portion thereof, a tent, a vehicle, or other enclosed space which is used or intended for use as a human habitation, home or residence.

"Included offense" means an offense which:

1. Is established by proof of the same or less than all of the facts of a less culpable mental state (or both), than that which is required to establish commission of the offense charge; or
2. Consists of an attempt to commit the offense charged or an offense included therein.

"Includes" or "including" means comprehending among other particulars, without limiting the generality of the foregoing word or phrase.

"Offense" means a violation of the municipal code or the ordinances of the city.

"Peace officer" means any person who, by virtue of his office or public appointment is vested by law with the duty to maintain public order or to make arrests for offenses, whether that duty extends to all offense or is limited to specific offenses.

"Person" means an individual, private or public corporation, government, partnership or an unincorporated association.

"Prosecution" means all proceedings by which that person's liability for a municipal code or ordinance offense is determined, commencing with the filing of a citation, information or complaint, and including the final disposition of the case upon appeal.

"Public employee" means a person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by the city.

"Public officer" means a person who is elected to city office pursuant to statute, or who is appointed to a city office which is established, and the qualifications and duties which are prescribed by statute, to discharge a public duty for the city.

"Reasonable belief" or "reasonably believes" means that the person concerned, acting as

a reasonable man, believes that the described facts exist.

"Solicit" or "solicitation" means to command, authorize, urge, incite, request or advise in order to commit an offense under the municipal code and ordinances of the city. (Prior code § 27-1-1)

Section 9.04.020 Violation--Penalty.

Any person violating any provision of this title shall be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00) for each offense, in accordance with the provisions of the Illinois Compiled Statutes, Division 2, Section 1-2-1, as adopted, approved and amended (65 ILCS 5/1-2-1); except that a violation of the following sections shall be regarded as misdemeanor criminal offenses punishable by incarceration in a penal institution other than the penitentiary not to exceed six months, in accordance with the provisions of the Illinois Compiled Statutes, Division 2, Section 1-2-1.1, as adopted, approved and amended (65 ILCS 5/1-2-1.1): Sections 9.12.020, 9.12.050, 9.12.060, 9.16.040, 9.16.120, 9.16.160, 9.16.170, 9.20.010, 9.20.020, 9.28.010--9.28.030 and 9.28.050. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 1499 § 1, 1996: prior code § 27-3-23)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 9.08

OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.08.010 Advertising.**
- 9.08.020 Obstructing a police officer.**
- 9.08.030 Transmitting a false alarm.**
- 9.08.040 Transmitting a false report.**

Section 9.08.010 Advertising.

It is unlawful to advertise any unlawful business or article in the city and it shall be unlawful to injure or deface any lawful advertisement or notice. (Prior code § 27-3-11)

Section 9.08.020 Obstructing a police officer.

No person in the city shall knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity. Any person assaulting, striking or fighting with any peace officer who is discharging his duties in the city shall be considered guilty of a violation hereof. (Prior code § 27-2-2)

Section 9.08.030 Transmitting a false alarm.

No person shall transmit in any manner to the fire department of the city, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists. (Prior code § 27-2-3)

Section 9.08.040 Transmitting a false report.

No person shall transmit in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed or that a person requires municipal ambulance service, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed or such services are required. (Prior code § 27-2-4)

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.12.010	Disorderly conduct.
9.12.020	Public nudity.
9.12.030	Public intoxication.
9.12.040	Fighting.
9.12.050	Soliciting or peddling.
9.12.060	Obscene publications.
9.12.070	Distribution of harmful material to a minor.
9.12.080	Gambling.
9.12.090	Fraud.
9.12.100	Prostitution.
9.12.110	Cruelty to animals.
Section 9.12.010	Disorderly conduct.

It is unlawful for any person to be guilty of disorderly conduct in the city. A person shall be guilty of disorderly conduct when he knowingly:

A. Does any act in such unreasonable manner as to promote, make or aid in making a breach of peace; or

B. Does or makes any unreasonable or offense act, utterance, gesture or display which, under the circumstances, creates a clear and present danger or a breach of peace or imminent threat of violence; or

C. Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of peace where there is an imminent threat of violence, and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that conduct and activity be stopped and explained as requested if there be time; or

D. Fails to obey a lawful order of dispersal by a person known to him to be a peace officer under circumstances where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm; or

E. Assembles with three or more persons for the purpose of using force or violence to disturb the public peace.

(Prior code § 27-2-1)

Section 9.12.020 Public nudity.

No person shall, in the city, appear in any public place in a state of nudity, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior. (Prior code § 27-2-20)

Section 9.12.030 Public intoxication.

A. No person in the city shall appear in any public place manifestly under the influence of alcohol, narcotics or other drugs, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

B. No person shall drink any alcoholic liquors on any tennis court, public street, alley, sidewalk or other public way.

C. No person shall drink any alcoholic liquors in any public park or recreation area between the hours of eleven p.m. and six a.m. of any day.

D. No person shall possess or consume any alcoholic liquors on or at the following described playing field in the city, Bolm-Schuhkraft Memorial Park during the course of any inter-school athletic event in which the Columbia Community Unit School District No. 4 of Monroe and St. Clair Counties, Illinois, is participating, while the athletic event is occurring, the playing field being more particularly described as follows:

Beginning at the intersection of the Northerly side of North Evergreen Street and the Westerly side of Park Drive in the Bolm-Schuhkraft Memorial Park of the City of Columbia, Monroe County, Illinois; thence along a line running in a Northeasterly direction parallel with and running along the West side of Park Drive a distance of 339 feet, more or less, to a point where said line intersects with the South property line of the Park-view School property and the North property line of the Bolm-Schuhkraft Memorial Park a distance of 645 feet, more or less, to a point on the South property line of the Parkview School property and the North property line of the Bolm-Schuhkraft Memorial Park; thence along a line running in a Southwesterly direction parallel with and running along the East side of Parkview Drive to a point where the East side of Parkview Drive intersects with the North side of North Evergreen Street for a distance of 407 feet, more or less; thence in a Southeasterly direction along the North side of North Evergreen Street a distance of 608 feet, more or less, to the place of beginning, containing 5.36 acres, more or less.

(Ord. 466 § 1, 1980: Ord. 449 § 1, 1979: Ord. 449A § 1, 1979: Ord. 446 § 1, 1979: prior code § 27-2-5)

Section 9.12.040 Fighting.

It is unlawful for any person to commit an assault or battery, or to fight in any public place in the city. For purposes hereof, the definition of assault recited in 720 ILCS 5/12-1, as

approved, adopted and amended shall apply hereto; and, for purposes hereof, the definition of battery contained in 720 ILCS 5/12-3, as adopted, approved and amended shall apply hereto. (Amended during 1997 codification; prior code § 27-3-1)

Section 9.12.050 Soliciting or peddling.

It is unlawful for any person to go upon the premises of another for the purpose of soliciting orders, selling or peddling without the consent or invitation of the owner or occupant. Hawkers, peddlers, pawnbrokers, itinerant merchants, transient vendors of merchandise, theatrical and other exhibitions, shows and amusements shall not be operated within the city without having obtained permission from the mayor, and having paid such license fee, tax or permit fee as may be required by the city council. (Prior code § 27-2-6)

Section 9.12.060 Obscene publications.

It is unlawful to sell or offer for sale, or to circulate, pass from one person to another, exhibit, or expose in any public place or anywhere in view of a store or place frequented by the public, any obscene publication, print, picture, motion picture, illustration or other printed or written matter.

It is unlawful to keep any such publication, print, picture, motion picture, illustration or other written or printed matter in any place frequented by, or where it may come into possession of minors, or to disclose or expose or exhibit any such material to a minor.

For purposes hereof, "obscenity" shall be defined and judged by the definition and standards provided in 720 ILCS 5/11-20, as approved, adopted and amended. (Amended during 1997 codification; prior code § 27-2-21)

Section 9.12.070 Distribution of harmful material to a minor.

It is unlawful for a person who, with knowledge that a person is a child, that is, a person under eighteen (18) years of age, or who fails to exercise reasonable care in ascertaining the true age of a child, to knowingly distribute to or send or cause to be sent to, or exhibit to a child, any harmful material.

For purposes hereof, the definition, interpretation of evidence provisions, and affirmative defenses recited in 720 ILCS 5/11-21 as adopted, approved and amended, shall apply hereto.

For purposes hereof, it is unlawful for any person under eighteen (18) years of age to falsely state, either orally or in writing, that he or she is not under the age of eighteen (18) years, or to present or offer to any person any evidence of age an identity which is false or not actually his or her own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view harmful material as defined herein. (Amended during 1997 codification; prior code § 27-2-22)

Section 9.12.080 Gambling.

1. It is unlawful, within the city, to gamble, as defined in 720 ILCS 5/28-1, as adopted, approved and amended; possess a gambling device, as defined in 720 ILCS 5/28-2, as adopted, approved and amended; keep a gambling place, as defined in 720 ILCS 5/28-2, as adopted, approved and amended, or patronize the same.
2. Every gambling device incapable of lawful use, as defined in 720 ILCS 5/28-5, as adopted, approved, and amended, shall be subject to seizure, confiscation and destruction by the city police department.
3. Exceptions: Placement and use of a video gaming terminal, if done in accordance with the Illinois Video Gaming Act (230 ILCS 40/) as currently enacted and hereafter amended, shall not be a violation of this section of this code.

(Ord. No. 3450, Amended, 11/16/2020, Subsections 4-7 are hereby deleted and stricken from Section 9.12.080 Gambling ; Ordinance No. 2957, Amended, 06/04/2012, Video Gaming Terminals in the City.)

Section 9.12.090 Fraud.

It is unlawful for any person to engage in any fraudulent device or practice, within the city, for purposes of obtaining money or property. For purposes hereof, fraud shall include, but not be limited to, obtaining control over property belonging to another person by deception as same is defined in 720 ILCS 5/16-1(a)(2) as adopted, approved and amended. (Amended during 1997 codification; prior code § 27-3-5)

Section 9.12.100 Prostitution.

It is unlawful for any person within the city to:

- A. Commit an act of prostitution, as same is defined in 720 ILCS 5/11-14, as adopted, approved and amended;
- B. Solicit for a prostitute, as defined in 720 ILCS 5/11-15, as adopted, approved and amended;
- C. Keep a place of prostitution, as defined in 720 ILCS 5/11-17, as adopted, approved and amended;
- D. Patronize a prostitute, as defined in 720 ILCS 5/11-18, as adopted, approved and amended;
- E. Engage in pimping, as defined in 720 ILCS 5/11-19, as adopted, approved and amended. (Amended during 1997 codification; Ord. 1510 §§ 7, 8 and 13, 1996; prior code § 27-3-6)

Section 9.12.110 Cruelty to animals.

It is unlawful for any person to wilfully kill any animal, or treat any animal cruelly, except as authorized by state statute, city ordinance or otherwise authorized by law. (Prior code § 27-3-7)

Chapter 9.16

OFFENSES AGAINST PROPERTY

Sections:

- 9.16.010** **Trespass prohibited.**
- 9.16.020** **Unlawful housing management.**
- 9.16.030** **Destruction of public property.**
- 9.16.040** **Throwing rocks or other objects.**
- 9.16.050** **Disturbing public places.**
- 9.16.060** **Juvenile vandalism.**
- 9.16.070** **Obstructing streets.**
- 9.16.080** **Scaffolds.**
- 9.16.090** **Posting bills.**
- 9.16.100** **Articles on windows.**
- 9.16.110** **Littering.**
- 9.16.120** **Discarded refrigerators.**
- 9.16.130** **Use of city refuse collection services by nonresidents.**
- 9.16.140** **Storage of combustible refuse.**
- 9.16.150** **Fuel tanks.**
- 9.16.160** **Burning leaves and rubbish.**
- 9.16.170** **Bonfires.**
- 9.16.180** **Privy vaults or cesspools.**
- 9.16.190** **Animals running at large.**
- 9.16.200** **Motor Vehicle Tampering.**

Section 9.16.010 Trespass prohibited.

It is unlawful for any person to commit a trespass in the city upon either public or private property. For the purposes hereof, "trespass" shall include, but not be limited to the following acts:

- A. An entry upon the premises, or any part thereof of another, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry thereto or in violation of any notice, warning or a protest given orally or in writing, by any owner or occupant thereof; or
- B. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another by one other than the person who trespasses upon the land of another which causes or contributes to cause the trespass in violation of a notice posted or exhibited at the main entrance to the premises or any point of approach or entry, or in violation of a notice, warning or a protest given orally or in writing by any owner or occupant thereof; or
- C. A failure or refusal to depart from the premises of another when the owner or occupant thereof has requested, either orally or in writing, the violator to depart the premises; or
- D. An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right. (Prior code § 27-3-21)

Section 9.16.020 Unlawful housing management.

It is unlawful for a person having personal management or control of residential real

estate, whether as a legal or equitable owner of residential real estate or as a managing agent or otherwise, to knowingly permit, by his gross carelessness or neglect, the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any inhabitant thereof is in danger. (Prior code § 27-3-2)

Section 9.16.030 Destruction of public property.

No person shall knowingly deface, destroy or in any way, injure any city property, or any apparatus of the city.

It is unlawful to damage, deface or interfere with any property belonging to the city. (Prior code §§ 27-2-13, 27-3-3)

Section 9.16.040 Throwing rocks or other objects.

No person shall, in the city, throw or cast any stone or other missile upon, at, or against any building, tree or other public or private property, or at any person in any street, alley, avenue or public place. It is unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street or alley in the city. (Prior code § 27-2-12)

Section 9.16.050 Disturbing public places.

A. It is unlawful for any person on the premises of any public place in the city to:

1. Race the motor of any motor vehicle needlessly;
2. Needlessly bring to a sudden start or stop any motor vehicle;
3. Blow any horn of any motor vehicle or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are needlessly disturbed.

B. It is unlawful for any person entering the premises of any public place in the city to:

1. Enter the premises of a public place with a motor vehicle of any description and park such vehicle and leave the premises (thereby leaving such vehicle parked and unoccupied) without the express consent of the owner or operator of such public place, in which

event, such person shall be subject to parking citation and fine and/or the vehicle may be impounded by the city and the person or owner of the vehicle subject to the usual and customary impounding charges of the city;

2. Enter the premises of the public place in or upon a motor vehicle and use the premises for cruising, racing as a short cut to another street, alley or way or to annoy or endanger any person or persons or endanger another or other vehicle or vehicles lawfully on the premises;

3. For three or more persons to congregate on the premises and loiter or linger at, on or about the premises other than in a building located on the premises or in a legally parked motor vehicle located on the premises pursuant to lawful patronage or use of the premises; and

4. For any person, while on the premises of a public place in the city, in the presence or hearing of another, to curse, use profane language or abuse another person or use any violent or abusive language under circumstances reasonably calculated to provoke a breach of the peace.

For purposes hereof, private business establishments located within the city, including, but not limited to: restaurants, drive-in restaurants, taverns, stores, banks, and business offices; and nonresidential, non-business establishments, including, but not limited to churches; and public property, including the city park, shall be regarded as public places. A drive-in restaurant within the meaning hereof shall be deemed to be a restaurant where meals, sandwiches, cold drinks, beverages, ice cream or other food or drink is served directly to or is permitted to be consumed by patrons in or upon motor vehicles, including trucks, automobiles or motorcycles parked on the premises thereof.

It shall be the duty of the owner or operator of public places seeking enforcement hereof to post on the premises of their public places, in a conspicuous location, one or more signs bearing the following legend in letters at least two inches or more high and readable:

CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE OF A MOTOR VEHICLE ON THESE PREMISES IS UNLAWFUL. NO UNOCCUPIED VEHICLE MAY BE LEFT ON THESE PREMISES WITHOUT THE CONSENT OF THE OWNER OR OPERATOR HEREOF.

The corporate authority of the city declares the provisions hereof to be for the purpose of preserving the public peace, health and safety of public places in the city, as herein defined. (Prior code § 27- 3-19)

Section 9.16.060 Juvenile vandalism.

It is unlawful for any person to commit an act of vandalism within the city.

A. A minor who has been convicted of an act of vandalism hereunder is required, within ninety (90) days after being taken into custody, to provide restitution. The parents or legal guardians of a minor who is convicted of an act of vandalism are responsible for insuring that the minor will participate in the city police social worker program and provide restitution. Any minor who engages in an act of vandalism and who fails to participate in the city police social worker program shall be subject to a fine of not more than five hundred dollars(\$500.00). Any minor who engages in an act of vandalism and who fails to provide restitution shall be subject to a fine of not more than five hundred dollars (\$500.00). The parent or legal guardian of a minor shall be subject to a fine of not more than five hundred dollars (\$500.00) if the minor engaged in an act of vandalism and fails to participate in the city police social worker program or fails to provide restitution as herein required.

B. For purposes of this section, the following definitions shall be applied:

"Person" includes an individual, firm, partnership, association, corporation, company or organization of any kind;

"Property" includes any real estate, including improvements thereon, and tangible personal property;

"Parent" includes the lawful father and mother of the minor child, whether by birth or adoption;

"Legal guardian" includes a foster parent, a person appointed guardian of a person, or given custody, of a minor by a Circuit Court of this state, but does not include a person appointed a guardian only of the estate of a minor, or appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act;

"Minor" includes a person who is above the age of eleven (11) years, but not yet eighteen (18) years of age;

"Acts of vandalism" includes any of the following acts:

1. Maliciously, recklessly or knowingly damaging or destroying any property of another person without his consent; or

2. Maliciously, recklessly or knowingly, by means of fire or explosive device, damage, deface or destroy any property of another person; or

3. Maliciously, recklessly or knowingly starting a fire on the land of another person without his consent; or

4. Maliciously, recklessly or knowingly depositing on the land or in the building of another person, without his consent, any stink bomb, or any offensive smelling compound and thereby interfering with the use or occupancy by another, of the land or building; or

5. Maliciously, recklessly or knowingly, without authority, entering into or obtaining control over any building, housetrailer, motor vehicle, aircraft or watercraft or any part thereof, of another person without his consent. (Prior code § 27-3-22)

Section 9.16.070 Obstructing streets.

No person shall, on any city street, fly any kite or play any game or engage in any amusement or practice having a tendency to injure or annoy any person or obstruct traffic passing on the city streets or on the city sidewalks. (Prior code § 27-2-8)

Section 9.16.080 Scaffolds.

Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place in the city, shall be firmly and properly constructed and safe-guarded; and it is unlawful to place or leave any tools or articles on any such place in such a manner that the same can fall onto any city street, sidewalk, alley or other public place, from a height greater than four feet. (Prior code § 27-3-13)

Section 9.16.090 Posting bills.

It is unlawful to post or display any bills or advertisements on any public property without first obtaining authority therefore from the mayor and the city council; and it is unlawful to post any bill or advertise upon any private property within the city without first obtaining the consent of the owner therefore. (Prior code § 27-3-12)

Section 9.16.100 Articles on windows.

It is unlawful to place any movable article on any window ledge, or other place abutting on a public street, alley or other public place in the city at a height above four feet from the ground in such a manner that the same can be or is in danger of falling onto such street, alley, sidewalk or other public place. (Prior code § 27-3-14)

Section 9.16.110 Littering.

It is unlawful to store, throw or discard any refuse, garbage, material or matter of any kind on any city alley, city street, city park or other public in the city. (Prior code § 27-3-9)

Section 9.16.120 Discarded refrigerators.

It shall be deemed a nuisance, and unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended or discarded ice-box, refrigerator, safe or other container

which has an air-tight door or lid, snap-lock or other lock device which may not be released from the inside without first removing the door or lid, snap-lock or other device from the ice-box, refrigerator, safe or container. (Prior code § 27-2-14)

Section 9.16.130 Use of city refuse collection services by nonresidents.

It is unlawful for any nonresident of the city to bring to the city for deposit or to deposit in the city any garbage or trash or refuse for purposes of having same picked up and removed for disposal from the city by the city trash and/or refuse collection service serving the residents of the city.

Any person violating any provision of this section shall be fined not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) for each offense, in accordance with the provisions of Section 9.04.020, which are incorporated herein and by reference made a part hereof. (Ord. 485 §§ 1, 2, 1981: prior code § 27-2-23)

Section 9.16.140 Storage of combustible refuse.

It is unlawful to permit or store any combustible refuse in such a manner as to create a fire hazard. (Prior code § 27-3-8)

Section 9.16.150 Fuel tanks.

It is unlawful to install or maintain any fuel, oil, gas or liquid gas tanks in the city, unless such tanks and all equipment connected therewith are installed and maintained in accordance with the rules of the State Fire Marshal or of any other state agency having jurisdiction thereof.

Any fuel, oil, gas or liquid gas tanks in the city which create a health hazard due to their construction, installation, maintenance or otherwise in the opinion of the mayor or city council, based upon the advice of the city fire marshal, are declared a nuisance and may be abated as such. (Prior code § 27-3-17)

Section 9.16.160 Burning leaves and rubbish.

It is unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or similar substances within the corporate limits of the city, except in enclosed incinerators.

It is unlawful for any person to burn any leaves, paper, rubbish, trash or other substances upon any of the city streets, sidewalks, alleys or other public property within the city; and, for any person to burn any paper, rubbish, trash or other substances within the corporate limits of the city; and, to burn leaves, on private property, within the city, except

between sunrise and sunset of each day.

It is unlawful for any person, firm or corporation to burn any construction debris, materials or other substances which are the residue of or a by-product existing or created by the construction of buildings or other structures in the city, within the city, at any time.

(Ord. 1775 § 1, 1999: prior code §§ 27-2-18, 33-1-13)

Section 9.16.170 Bonfires.

It is unlawful to build or light any bonfire so close to any building or other structure or on or about any street, alley, sidewalk or other public way as to endanger the person or property of another person or persons or the city. (Prior code § 27-2-19)

Section 9.16.180 Privy vaults or cesspools.

It is unlawful for any person, whether as owner or occupant, to maintain or permit the maintenance of any privy vault, cesspool or place where human or animal excreta or sewage is kept or deposited, upon any premises within the corporate limits of the city, except as otherwise provided by the city code.

The city may regulate the repair and use of cisterns, cesspools, pumps, culverts and drains within the city. They may require that wells and cisterns be sealed; and the maintenance of any privy vault, cesspool or place where human or animal excreta or sewage is kept or deposited is declared a nuisance and may be abated as such. (Prior code § 27-3-18)

Section 9.16.190 Animals running at large.

It is unlawful for the owner of any horse, ass, mule, cattle, swine, sheep, goat, geese or dog to permit the animal to run at large within the city. (Prior code § 27-3-20)

Section 9.16.200 Motor Vehicle Tampering.

- (a) It shall be unlawful to tamper with the motor vehicle, or contents, accessories, and/or appurtenances thereof, of another for the purpose of attempting to steal a motor vehicle or its contents. The act of tampering includes lifting door handles or otherwise trying the doors or locks of motor vehicles, or attempting to access contents of motor vehicle accessories and/or appurtenances, that are not owned by the individual. It shall not be a violation of this ordinance to lift the door locks of a motor vehicle by the owner of the property where the motor vehicle is parked.

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- (b) It shall be unlawful to enter the motor vehicle of another without the permission of the owner of the motor vehicle. It shall not be a violation of this ordinance for the owner of property to enter a motor vehicle parked thereon.
(Ordinance No. 3601, Added, 03/07/2022, Added 09.16.200)

Chapter 9.20

OFFENSES BY OR AGAINST MINORS

Sections:

9.20.010 Curfew.

9.20.020 Permitting person to violate curfew.

9.20.30 Truancy.

Section 9.20.010 Curfew.

It is unlawful for any person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway within the city at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least eighteen (18) years of age, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person seventeen (17) years of age to perform:

- A. Between 12:01 a.m. and six a.m. Saturday;
- B. Between 12:01 a.m. and six a.m. Sunday; and,
- C. Between eleven p.m. on Sunday to Thursday, inclusive, and six a.m. on the following day. (Prior code § 27-2-16)

Section 9.20.020 Permitting person to violate curfew.

It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the city curfew. (Prior code § 27-2-17)

Section 9.20.30 Truancy.

- A. **Definitions.** As used in this Ordinance, unless the context requires otherwise, the following words or phrases shall mean:

“Community service” is a penalty requiring that an offender convicted of a relatively minor crime do unpaid work that is beneficial to the community.

“School day curfew hours” means the period of time during the day when school is in session in the City.

“Custodian” means (1) a person who under court order is the custodian of the person of a minor or (2) a public or private agency with which the court has placed a minor or (3) a person acting in the role of a parent by reason of a private agreement, arrangement, custom, or habit.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical

emergency, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.

“Guardian” means (1) a parent or (2) a person who under court order is the guardian of the person of a minor or (3) a public or private agency with which the court has placed a minor.

“Minor” means a person who is under eighteen (18) years of age.

“Parent” means a person who is a natural parent, adoptive parent, or stepparent of another person.

“Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

“Responsible adult” means the parent, guardian, or custodian having the care and custody of a minor.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Truant” means a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof, as defined in the Illinois School Code (105 ILCS 5/26-2a).

“Truancy Code” means this Section 9.20.030 of the City of Columbia, Illinois Municipal Code which may be cited and referred to as the “City of Columbia Truancy Code” or the “Truancy code”.

“Truancy curfew hours” means the period of the day when the school the minor would normally attend is in session.

“Truant officer” means any officer, appointee, employee or other agent of any school district or any federal, state, or local governmental entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute (105 ILCS 5/26-1 et seq.).

“Truancy Review Board” means an agency or entity established by any school district or any federal, state, or local governmental entity recognized by the City and/or the court as an agency that provides service to improve educational performance and/or attendance.

B. School Days Curfew Restrictions

1. It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City during City school day curfew hours.
2. It is unlawful for any Responsible Adult to knowingly permit or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the City during City school day curfew hours.
3. It is a defense to a charged violation under this Truancy Code that the child engaged in the prohibited conduct while:
 - a) accompanied by the child's parent, guardian, or custodian;
 - b) accompanied by an adult specified by the child's parent, guardian, or custodian;
 - c) participating in, going to, or returning from:
 - (1) lawful employment;
 - (2) a school-sanctioned activity;
 - (3) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (4) a religious event;
 - (5) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution, the Constitution of the State of Illinois, or both, such as freedom of speech and the right of assembly, or
 - (6) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
 - d) engaged in interstate or international travel from a location outside Illinois to another location outside Illinois in the company of or with the permission of a Responsible Adult.

C. Truancy Restrictions

1. It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be absent without valid cause from such attendance for a school day or portion thereof.

2. It is unlawful for any Responsible Adult to knowingly permit or by insufficient control to allow the minor to be absent without valid cause from such attendance for a school day or portion thereof.
3. It is a defense to a violation under the Truancy Code that the child engaged in the prohibited conduct while:
 - a) accompanied by the child's parent, guardian, or custodian;
 - b) accompanied by an adult specified by the child's parent, guardian, or custodian;
 - c) participating in, going to, or returning from:
 - (A) lawful employment;
 - (B) a school-sanctioned activity;
 - (C) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (D) a religious event;
 - (E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution, the Constitution of the State of Illinois, or both, such as freedom of speech and the right of assembly, or
 - (F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
 - d) engaged in interstate or international travel from a location outside Illinois to another location outside Illinois in the company of or with the permission of a Responsible Adult.

D. Enforcement

- a. Every member of the City's Police Department while on duty is hereby authorized to temporarily detain any minor alleged to be in violation of the provisions of this Ordinance (regardless of whether a citation is issued) until the parent, guardian, or custodian of the minor shall take him or her into custody. Such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, guardian, or custodian of the minor unless the officer elects to deliver the minor to the school authorities pursuant to subparagraph (e) of this Section "D" of this Truancy Code. A Responsible Adult must take custody of the minor within one (1) hour of the time of a request for the same from the officer or be subject to a fine

of \$25.00 per hour thereafter (not to exceed \$100) for each hour or part thereof that elapses until the Responsible Adult takes custody of the minor after having receive said request.

- b. Before taking any enforcement action, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest unless the officer reasonably believes an offense has occurred and that, based on any response and other circumstances, no defense contained in subsections B (3) or C (3) of this Truancy Code applies.
- c. A citation issued hereunder shall be in writing and shall:
 - (1) State the name of the person being cited and the person's address if known;
 - (2) Set forth the specific section of this Truancy Code that was violated, the date, time and location of the violation and a brief description of the violation;
 - (3) Be signed by the issuing City police officer, truant officer or other complaining party.

In each instance where a citation is issued to a minor for violation of this Truancy Code, a minor's parent, guardian, or custodian shall be provided a copy of the citation notifying the parent, guardian, or custodian of the charge made against the minor.

- d. A minor cited for a violation under this Truancy Code must attend a court hearing on the citation and must be accompanied at the hearing by his a Responsible Adult. If the Responsible Adult fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the Responsible Adult, directing the Responsible Adult to appear at the continued hearing with the minor. Failure of the Responsible Adult to thereafter appear shall subject the Responsible Adult to such sanctions for contempt of court as the court shall determine.
- e. Every member of the City's Police Department while on duty is hereby authorized to temporarily detain any minor suspected of violating the provisions of the Truancy Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

E. Penalty

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- a. Any child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof shall be a “Truant” and shall be guilty of the offense of truancy and, if of the age of 13 years or older, such violator shall be subject to the following penalties:
 - 1) Upon the first conviction, the payment of a fine in an amount not to exceed \$75.00 in addition to court cost;
 - 2) Upon the second conviction within a one-year period, the payment of a fine of in excess of \$75.00 but not to exceed \$100.00 in addition to court cost;
 - 3) In lieu of or in addition to any penalty imposed pursuant to 1) or 2) above, the violator may be ordered to perform community service as directed by the court;
 - 4) The fine for any conviction for a violation of this Truancy Code shall not exceed \$100.00 as is required by the Illinois Municipal Code Truancy Law (65 ILCS 5/11-5-9), and
- b. If the truant who is guilty of truancy is under the age of 13 years, the parent or custodian of the violator is subject to the foregoing fine or community service, or both.

(Ordinance No. 2732, Added, 07/20/2009, Added Truancy Ordinance
(Ordinance 2732, Added, 07/20/2009, Added Truancy Ordinance.; Ordinance No. 2732, Added, 07/20/2009, Added Truancy Ordinance.)

Chapter 9.24

NOISE

Sections:

9.24.010 Definition.

9.24.020 Noise prohibited.

9.24.030 Violation; penalty.

Section 9.24.010 Definition.

The term "person," when used in this chapter, shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, or any legal successor, representative, agent or agency of the foregoing.

(Ordinance No. 3197, Amended, 08/03/2015, Amended Chapter 9.24 Noise Nuisances.)

Section 9.24.020 Noise prohibited.

No person shall cause or allow the emission of, beyond the boundaries of his or her property, any sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

In determining whether a sound unreasonably interferes with the enjoyment of life or with any lawful business or activity, the City may consider the following factors, including but not limited to:

(1) Time of day (for example, sound made between the hours of eleven (11) p.m. and seven (7) a.m. will be subject to greater scrutiny);

(2) Location;

(3) Frequency of sound;

(4) Duration of sound;

(5) Necessity of sound (for example, sound made out of necessity to avoid danger will be subject to lessened scrutiny); and

(6) Volume, pitch, or harshness of sound;

(Ordinance No. 3197, Amended, 08/03/2015, Amended Noise Nuisances.)

Section 9.24.030 Violation; penalty.

Any person who commits the acts prohibited herein shall be guilty of a city ordinance violation. Further, the city attorney may bring an action to enjoin any person from violating his chapter and seek an order from the circuit court ordering the violator to abate any violations of this chapter.

(Ordinance No. 3197, Added, 08/03/2015, Added Violation and Penalty for Noise Nuisances ordinance.)

Chapter 9.28**WEAPONS, EXPLOSIVES AND FIREWORKS****Sections:**

- 9.28.010** **Unlawful weapons.**
9.28.020 **Discharge of firearms and/or air guns in the city.**
9.28.030 **Blasting in city.**
9.28.040 **Storage of explosives.**
9.28.050 **Fireworks.**

Section 9.28.010 Unlawful weapons.

No person within the city shall carry on or about his person or in any vehicle, without authority of law, any pistol, revolver, dagger, razor, dangerous knife, stiletto, knuckles, sling-shot, loaded air rifle as defined by 720 ILCS 535/1, an object containing noxious or deleterious liquid, gas or substance or other dangerous weapon, or conceal the weapon on or about his person or his motor vehicle. (Amended during 1997 codification: Ord. 453 § 1, 1979: prior code § 27-2-7)

Section 9.28.020 Discharge of firearms and/or air guns in the city.

A. No person shall fire or discharge firearms and/or air guns within the corporate limits of the city, except that firearms and/or air guns may be discharged within the corporate limits of the city in the following instances:

1. Where otherwise permitted by state or federal law;
2. In A-1 agricultural zoning districts, other than on city-owned property located within the corporate limits of the city without first obtaining the requisite permission of the city council; and,
3. On city-owned property located within the corporate limits of the city with the permission of the city council, which permission shall be evidenced by a duly enacted order, resolution or ordinance of the city council. (Ord. 1485 § 1, 1996: prior code § 27-2-9)

Section 9.28.030 Blasting in city.

No person shall, by himself or his agent, independent contractor or employee, detonate or cause to be detonated in the City any explosives, except as follows:

1. Where authorized by the City Council and on such terms as the City Council shall make and provide, with the advice and recommendation of the relevant city appointed officers and their staff (including but not limited to the Chief of Police, the Fire Chief and the City Engineering Consultant), which may include but may not be limited to the following conditions or terms: (i) proof of the applicant having obtained the state required permit for the detonation of explosives from the Illinois Department of Natural Resources, or other applicable state agency responsible for the same at time of reference; (ii) the providing of insurance to indemnify for personal injury and/or property damage caused by detonation of explosives in the City in such amount of coverage and with such approved insurers as the City Council shall decide; (iii) providing of reasonable notice of the proposed detonation of explosives in the City

to the City's Fire Department and Police Department; (iv) restrictions on the hours of the day and the days when detonation of explosives for an authorized purpose in the City shall be permitted; and, (v) subject to such control and supervision as the City Council shall require.

2. Where otherwise provided by City Ordinance, state law or federal law, such as but not limited to the public exhibition of pyrotechnics (as authorized by section 9.28.050 of this chapter) and quarry blasting pursuant to state regulation (which preempts City Ordinance regulation). (Ord. 2236, 02/02/2004)

(Ord. 2236, Amended, 02/02/2004)

Section 9.28.040 Storage of explosives.

No person shall have, keep, possess or store nitroglycerine, dynamite or giant powder, blasting powder, petroleum, gun powder, or any of their products, or other similar combustible or explosive materials, without the permission of the city council, except as otherwise authorized by law. (Prior code § 27-2-11)

Section 9.28.050 Fireworks.

A. It is unlawful to store any fireworks in the city, except as may be necessary for the performance of a licensed public exhibition of pyrotechnics. Any such storage must be under the supervision of and subject to the approval of the fire marshal.

B. It is unlawful for any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks in the city; provided, that the public exhibitions of fireworks may be given if a permit therefore is granted by the city council.

C. The term "fireworks" shall be as is, from time to time, defined in 425 ILCS 35/1, as approved, adopted, and amended.

(Amended during 1997 codification; prior code § 27-2-15)

Chapter 9.32

REGULATION OF USE OF CANNABIS

Sections:

- 9.32.010** **DEFINITIONS**
- 9.32.020** **RESERVED**
- 9.32.030** **REGULATIONS AND RESTRICTIONS**
- 9.32.040** **PENALTIES**

Section 9.32.010 **DEFINITIONS**

Whenever reference is made in this Chapter to the “Illinois Cannabis Act” or the “Cannabis Act” it shall mean the Cannabis Regulations and Tax Act of Illinois approved June 25, 2019, in force January 1, 2020. All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Regulations and Tax Act, including the following:

“Act” shall mean the Cannabis Regulation and Tax Act of Illinois approved June 25, 2019 as Public Act 101-0027.

“Advertise” means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

“Cannabis” means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as *indica* of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant this incapable of germination. “Cannabis” does not include industrial hemp as defined and authorized under the Industrial Hemp Act. “Cannabis” also means concentrate and cannabis-infused products.

“Cannabis Business Establishment” means a cultivation center, craft grower, processing organization, infusion organization, dispensing organization, or transporting organization.

“Cannabis Container” means a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

“Dispensary” means a facility operated by a dispensing organization at which activities licensed by the Act may occur.

“Dispensing organization” means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.

“Ownership and control” means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

“Person” means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

“Public Place” means any place where a person could reasonably be expected to be observed by others. “Public Place” includes all parts of buildings owned in whole or in part, or leased by the State of Illinois or the City of Columbia. “Public Place” includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State of Illinois or the City of Columbia. “Public Place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.
(9.32.010, Added, 09/30/2020, ORD. 3488)

Section 9.32.020 RESERVED

Section 9.32.030 REGULATIONS AND RESTRICTIONS

- (b) Reserved.
- (c) Reserved.
- (d) It shall be unlawful to consume or use cannabis on the premises of a Cannabis Business Establishment.
- (e) It shall be unlawful to operate any form of a Cannabis Lounge or similar type establishment or for a retail tobacco store to allow on-premises consumption of cannabis.
- (f) It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:
 - (7) Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park, a public library, or a game arcade where admission is not restricted to persons 21 years of age or older;
 - (8) In or on a public transit vehicle or public transit shelter; or,
 - (9) On publicly owned or publicly operated property.

- (f) It shall be unlawful to undertake any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct.
- (g) It shall be unlawful to operate, navigate or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis.
- (h) It shall be unlawful to possess or use cannabis on a school bus or grounds of a pre-school, primary, or secondary school unless used by a qualifying patient or caregiver pursuant to the Compassionate Use or Medical Cannabis Program Act.
- (i) It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare or other similar social service care on the premises.
- (j) It shall be unlawful to use cannabis in any motor vehicle, in any Public place or in any place where smoking is prohibited under the Smoke Free Illinois Act.
- (k) It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act.
- (l) It shall be unlawful to knowingly use cannabis in close proximity (within 15 feet) of anyone under the age of 21 who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act.
- (m) It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Program Act.
- (n) It shall be unlawful for a person who is 21 years or older and a resident of Illinois to possess more than:
 - (10)30 grams of cannabis flower;
 - (11)500 milligrams of THC contained in a cannabis-infused product;
 - or,
 - (12)5 grams of cannabis concentrate.
- (o) It shall be unlawful for a non-resident of Illinois to possess more than:
 - (13)15 grams of cannabis flower;
 - (14)250 milligrams of THC contained in a cannabis-infused product;
 - or,
 - (15)2.5 grams of a cannabis concentrate.
- (p) It shall be unlawful for a parent or guardian to knowingly permit his or her residence or any other private property under his or her control, or any vehicle under his or her control to permit the consumption of cannabis by a person under the age of 21.
- (q) Nothing herein shall prevent a private business from restricting or prohibiting the use or possession of cannabis on its property, including areas where motor vehicles are parked.
- (r) Nothing herein shall require an individual or business entity to violate the provisions of federal law.

(9.32.030, Added, 09/30/2020, ORD. 3488)

Section 9.32.040 PENALTIES

The penalties under this Section shall be as provided in the Municipal Code of the City of Columbia, Section 1.16.010, Violation-Penalty.

(Ord No. 3488, Added, 12/16/2019)

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04	GENERAL PROVISIONS
10.08	RULES OF THE ROAD
10.12	SPEED LIMITS
10.16	PEDESTRIANS
10.20	VEHICLE LICENSES
10.24	VEHICLE EQUIPMENT
10.28	ABANDONED VEHICLES
10.32	INOPERABLE VEHICLES
10.36	PARKING GENERALLY
10.40	TIME LIMIT PARKING ON SPECIFIC STREETS
10.44	PARKING PROHIBITED ON CERTAIN PUBLIC STREETS AND OTHER PUBLIC PLACES
10.48	PENALTIES
10.52	TRAFFIC SCHEDULES
10.56	IMPOUNDMENT OF MOTOR VEHICLES

Chapter 10.04

GENERAL PROVISIONS

Sections:

10.04.010 Definitions.

10.04.020 Obedience to police.

10.04.030 Scene of fire.

10.04.040 Animals or bicycles.

Section 10.04.010 Definitions.

625 ILCS Ch. 5/1, as passed, approved and amended by the Illinois General Assembly is adopted by the city, the provisions thereof shall be controlling within the corporate limits of the city. (Amended during 1997 codification; prior code § 24-1-1)

Section 10.04.020 Obedience to police.

Members of the police department, special police, auxiliary police and marshals assigned to traffic duty are authorized to direct all traffic in accordance with the provisions of this title, or in emergencies, as public safety or convenience may require, and it is unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman, and except in case of emergency, it is unlawful for any person not authorized by law to direct or attempt to direct traffic. (Prior code § 24-2-1)

Section 10.04.030 Scene of fire.

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call, for so long as fire department equipment is on the scene, in the absence of or in assisting the police. (Prior code § 24-2-2)

Section 10.04.040 Animals or bicycles.

Any person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this title applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. (Prior code § 24-2-7)

Chapter 10.08

RULES OF THE ROAD

Sections:

10.08.010 Rules of the road adopted.

Section 10.08.010 Rules of the road adopted.

The Illinois Rules of the Road, 625 ILCS CH. 5/11, as passed, approved and amended by the Illinois General Assembly is adopted by the city and the provisions thereof shall be controlling within the corporate limits of the city. (Amended during 1997 codification; prior code § 24-4-1)

Chapter 10.12

SPEED LIMITS

Sections:

10.12.010 **Speed restrictions.**

10.12.020 **Special speed limits while passing schools.**

Section 10.12.010 **Speed restrictions.**

- A. It is unlawful to drive any motor vehicle on any street not under the jurisdiction of the Illinois State Department of Public Works and Buildings, or the county, in an urban district within the city at a speed in excess of thirty (30) miles per hour, or in any alley at a speed in excess of fifteen (15) miles per hour, except as follows.
1. It is unlawful to drive a motor vehicle on Main Street between Market Street and Rueck Street at a speed in excess of twenty-five (25) miles per hour.
 2. It is unlawful to drive any bicycle, motorcycle or motor vehicle on Parkview Drive, North Evergreen Lane, Temple Street, or any other street or area of travel within the Municipal Park known as Bolm-Schuhkraft Memorial Park at a speed in excess of twenty (20) miles per hour.
 3. It is unlawful to drive a motor vehicle on Quarry Road between Rueck Road and Ghent Road at a speed in excess of forty (40) miles per hour.
 4. It is unlawful to drive a motor vehicle on "DD" Road in the city at a speed in excess of thirty-five (35) miles per hour; except that, it is unlawful to drive a motor vehicle on "DD" Road, either in the eastbound or the westbound lane thereof, at a speed in excess of twenty-five (25) miles per hour from the intersection of Ramsey Road and "DD" Road, east for a distance of one thousand five hundred (1,500) lineal feet.
 5. It is unlawful to drive a motor vehicle on Bottom Avenue or on Legion Street at a speed in excess of twenty-five (25) miles per hour.
 6. It is unlawful to drive a motor vehicle on Lakefield Drive, Rockhampton Drive, Darwin Court, and Melbourne Court, or any other street or area of travel within the Lakefield Place Subdivision, at a speed in excess of twenty (20) miles per hour.
 7. It is unlawful to drive a motor vehicle on Parkview Drive at a speed in excess of twenty-five (25) miles per hour except no person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing schools during school days when school children are present.
 8. It is unlawful to drive a motor vehicle on Gilmore Lake Road in both the

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eastbound and westbound lanes between the intersection of Illinois State Route 3 and the corporate limits of the City of Columbia at a speed in excess of thirty (30) miles per hour.

Appropriate signs shall be posted showing such speed limits.

B. The speed of all vehicles of the second division as defined by statute shall be as follows:

1. If the vehicle is designed and used for pulling or carrying freight and has a gross weight of eight thousand (8,000) pounds or less (including the weight of the vehicle and maximum load), and is equipped with pneumatic tires, the maximum is fifty-five miles per hour (55 MPH) outside an urban district, thirty miles per hour (30 MPH) in an urban district, and fifteen miles per hour (15 MPH) in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten miles per hour (10 MPH) at all times and in all locations.
2. If the vehicle is designed and used for pulling or carrying freight and has a gross weight of more than eight thousand (8,000) pounds (including the weight of the vehicle and maximum load), and is equipped with pneumatic tires, the maximum is fifty miles per hour (50 MPH) outside of an urban district, thirty miles per hour (30 MPH) in an urban district, and fifteen miles per hour (15 MPH) in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten miles per hour (10 MPH) at all times and in all locations.
3. If the vehicle is designed and used for carrying more than seven (7) passengers, and is equipped with pneumatic tires, the maximum is fifty-five miles per hour (55 MPH).

The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

It shall be unlawful to drive any vehicle on any street or highway within the City under the jurisdiction of the State Department of Public Works and Buildings, or of the County, at a speed exceeding that lawfully set for such street or highway.

(Section 10.12.010, Amended, 09/24/2009, Cleaned up spacing and tabs again - Speed Restrictions.; Section 10.12.010, Amended, 09/24/2009, Speed Restrictions - cleaned up spacing and tabs.; Section 10.12.010, Amended, 09/24/2009, Cleaned up tabs and spacing.; 10.12.010 (8) (Ord. 1990), Amended, 10/01/2001; Ord. 873, Added, 12/03/1990, Speed Restrictions; Ordinance No. 873, Added, 12/03/1990, Main Street, City Park area, Quarry Road

speed restrictions.)

Section 10.12.020 Special speed limits while passing schools.

No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present. Signs to be posted to indicate this restriction include the following:

At the intersections of Main Street and Parkview and Parkview and Admiral Parkway.

On McDannold Drive.

On Temple Street from Main Street to the entrance of Bolm-Schuhkraft Memorial Park.

On Rapp Avenue from Temple Street to Parkview Drive. (Ord. 1789 § 2, 1999; Ord. 1033 § 1, 1992: prior code § 24-4-7)

Chapter 10.16**PEDESTRIANS****Sections:****10.16.010 Controlled intersections.****10.16.020 Uncontrolled intersections.****10.16.030 Places to be marked "Stop for Pedestrian in Crosswalk."****10.16.040 Pedestrians on city streets or highways.****Section 10.16.010 Controlled intersections.**

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a pedestrian crosswalk indicated by a sign marked "Stop for Pedestrian in Crosswalk" shall stop before entering the crosswalk on the near side of the crosswalk, if there is a pedestrian in the crosswalk or approaching the crosswalk so closely as to be in danger, and shall remain stopped until the pedestrian has completely crossed the roadway. (Ord. 687 § 1 (part), 1988: prior code § 24-3-7(A))

Section 10.16.020 Uncontrolled intersections.

Where traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so close from the opposite half of the roadway as to be in danger. (Ord. 687 § 1 (part), 1988: prior code § 24-3-7(B))

Section 10.16.030 Places to be marked "Stop for Pedestrian in Crosswalk."

A. Pursuant to Section 10.16.010, the following places in the city shall be pedestrian controlled intersections marked "Stop for Pedestrian in Crosswalk":

1. On Main Street at Locust Street;
2. On Main Street at East Legion Street;
3. On Main Street at Walnut Street;
4. On Main Street at Temple Street;
5. On South Main Street at Washington Street;
6. On Kunz Street at Bottom Avenue;
7. On the south side of Parkview at Evergreen;
8. On the west side of Parkview between the city park entrance and Evergreen;
9. On South Main Street at Madison Street.
10. On the west side of West Legion at its intersection with Bottom Avenue.

B. Any vehicle driver violating this section shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense. (Ord. 1626 § 1, 1997; Ord. 981 §§ 1, 2, 1992; Ord. 946 §§ 1, 2, 1991; Ord. 747 §§ 1, 2, 1989; Ord. 737 §§ 1, 2, 1989; Ord. 687 §§ 1 (part), 2, 1988: prior code § 24-3-7(C))

Section 10.16.040 Pedestrians on city streets or highways.

A. Where a sidewalk is provided and its use practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where a sidewalk is not available, any pedestrian walking along and upon a street or highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

C. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a street or highway shall walk as near as practicable to an outside edge of the street or highway, and, if on a two-way street or roadway, shall walk only on the left side of a roadway and in such manner as to not interfere with the normal flow of vehicle traffic. Any person walking along and upon a street or highway shall do so as quickly as possible and avoid standing on the street or highway. Standing on a street or highway is prohibited.

D. Except as otherwise provided in Chapter 625 of the Illinois Vehicle Code, (ILCS, Article 5, Chapter 625), any pedestrian upon a city street or highway shall yield the right-of-way to all vehicles upon the roadway.

E. No person shall consume or possess any alcoholic liquor other than in the original container with the seal unbroken while along and upon a city street or highway or private or public parking lot."

(Ordinance No. 2487, Added, 08/07/2006, Added Section 10.16.040 Pedestrians on city streets or highways.;
Ordinance No. 2487, Added, 08/07/2006, Added Section 10.44.020 Prohibited parking at other public places.)

Chapter 10.20

VEHICLE LICENSES

Sections:

10.20.010	Definitions.
10.20.020	License fee required.
10.20.030	Annual fee.
10.20.040	Dealer' s license.
10.20.050	Application--Issuance.
10.20.060	Time of payment--License year.
10.20.070	License plates.
10.20.080	Replacing lost plates.
10.20.090	Transfer of license plates.
10.20.100	Use of funds.
10.20.110	Chapter scope.
10.20.120	Violation--Penalty.

Section 10.20.010 Definitions.

As used in this title:

"License plate" means any license plate, tag or decal approved by the city council and issued by the city clerk for the use of such motor vehicle or motor bicycle, as herein provided.

"Motor vehicle" includes automobiles and all other vehicles propelled otherwise than by muscular power, except traction engines and road rollers, diesel railroad engines, and other motor vehicles running only upon rails or tracks, but nothing in this title shall be construed to apply to or affect bicycles or tricycles or such other vehicles as are propelled exclusively by human muscular power. (Prior code § 24-6-15)

Section 10.20.020 License fee required.

Every owner of a motor vehicle (including motorcycles, motor bicycles, motorscooters and mopeds) who resides within the corporate limits of the city shall be required to pay each year to the city clerk a tax or a license fee for the use of each motor vehicle they own which is used on any public street, road, highway or other public way within the corporate limits of the city. (Ord. 1305 § 1, 1994: prior code § 24-6-16)

Section 10.20.030 Annual fee.

The annual fee to be paid for vehicle licenses shall be in the amount as set by city ordinance from time to time.

Owners of motor vehicles who become residents of the city after April 15th of any calendar year must purchase the motor vehicle licenses required by this title within thirty (30) days of becoming residents of the city and must display their licenses (as provided and required by Section 10.20.070) within twenty-four (24) hours after purchasing the same. City residents who fail to purchase and display their required city licenses by the due date-provided in this title shall be required to pay a late fee of thirteen dollars (\$13.00) in addition to the license fee prescribed for the purchase of the licenses. (Amended during 1997 codification; Ord. 1305 § 2,

1994: Ord. 871 § 1, 1990: prior code § 24-6-17)

(Ord. 2352, Amended, 04/18/2005, Fee Increase.)

Section 10.20.040 Dealer's license.

The license issued to dealers in motor vehicles for vehicles held for sale and used only for demonstrations may be transferred to any other vehicle so held and used by the same dealer in the city. (Prior code § 24-6-18)

Section 10.20.050 Application--Issuance.

Every owner or operator of a motor vehicle or motor bicycle desiring a license for such motor vehicle or motor bicycle shall file an application with the city clerk, upon a form provided by him, setting forth the name and address of the applicant and a description of the motor vehicle or motor bicycle for which the license is desired. Upon the payment by the applicant of the fee prescribed, the clerk shall issue or cause to be issued a license which shall be attested by the clerk, authorizing the use of such motor vehicle or motor bicycle within the city until the expiration of such license. (Prior code § 24-6-19)

Section 10.20.060 Time of payment--License year.

Such license fees or tax shall be due and payable annually by April 15th of each year, and shall be available for purchase at the office of the city clerk on and after March 1st of each year. The license shall be for a twelve (12) month period commencing April 16th of each year and ending on April 15th of the following year. The fee paid for licenses required to be purchased after October 15th of any calendar year shall be one-half of the annual fee.

Motor vehicle licenses issued for and during calendar year 1994 shall not be required to be renewed until April 15, 1995. (Ord. 1305 § 3, 1994: Ord. 871 § 2, 1990: prior code § 24-6-20)

Section 10.20.070 License plates.

Every owner or operator of a motor vehicle (including motorcycles, motor bicycles, motor scooters and mopeds) who purchases such license shall receive at the time of payment of the fee, a city license tag or decal, without extra charge therefor. Such tags or decals shall change in color and shape annually, be numbered serially, and bear the number and year for which it was issued. All license tags or decals shall be displayed not later than April 15th of the calendar year for which they are purchased. Each such city license tag or decal shall be permanently affixed to the lower, passenger side corner, of the windshield of the automobile, truck or other motor vehicle which has a windshield. For motor vehicles which have no windshield, the license tag or decal shall be permanently affixed to the front of the vehicle for which it was issued in a conspicuous place so as to be readily readable at all times at which such vehicle is operated on a public highway. The currently effective license tag or decal shall be displayed for the period of time it is in effect and shall promptly thereafter be removed from the vehicle to which it is affixed. Not more than the currently effective license tag or decal shall be displayed at any time on the motor vehicle and expired license tags or decals will not be displayed on the motor

vehicle. (Ord. 1305 § 4, 1994; prior code § 24-6-21)

Section 10.20.080 Replacing lost plates.

Upon application to the City Clerk, accompanied by a proper affidavit and the payment of the sum of two dollars and seventy cents (\$2.70), to be paid to the City Clerk, a duplicate plate or tag shall be issued to the applicant. (Amended during 9-98 supplement; prior code § 24-6-22)

(Ord. 2352, Amended, 04/18/2005, Fee Increase.)

Section 10.20.090 Transfer of license plates.

License plates shall not be transferred from one vehicle to another, but the same may be reissued to the original licensee for the remaining portion of the calendar year. Application for reissue shall be made to the City Clerk and reissue shall be made upon payment of two dollars and seventy cents (\$2.70) into the City treasury, and the making of an affidavit of the destruction of the original license. (Amended during 9-98 supplement; prior code § 24-6-23)

(Ord. 2352, Amended, 04/18/2005, Fee Increase.)

Section 10.20.100 Use of funds.

All revenue derived from such license fees shall be kept in a separate fund to be known as the vehicle license fund which shall only be used for the following purposes, as the City Council shall, from time to time, decide: (i) to pay the costs of collection of such motor vehicle license fees; (ii) pay the cost of improving, paving, repairing or maintaining the streets and other public roadways within the City; and (iii) not to exceed thirty-five (35) percent of such revenue may be used also for payment of salaries and wages of City Policemen who are engaged in the duty of regulating traffic in the City. (Ord. 1305 § 5, 1994; Ord. 871 § 3, 1991; prior code § 24-6-25)

Section 10.20.110 Chapter scope.

Notwithstanding any provisions in this chapter to the contrary, the provisions of this chapter with regard to payment of city vehicle license fees and the displaying of city vehicle license plates, tags or decals issued therefor shall be limited to owners of motor vehicles and owners of motor bicycles who are residents of the city, in accordance with the requirements of Section 8-11-4 of the Illinois Municipal Code. (Ord. 871 § 5, 1990)

Section 10.20.120 Violation--Penalty.

Any city resident who is a motor vehicle or motor bicycle owner who fails to pay the city license fee required by Section 10.20.030 or who fails to properly display the city license plate, tag or decal issued therefor, in accordance with Section 10.20.070 shall be subject to payment of a fine of

not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each such offense, and each day a violation occurs or continues shall be deemed a separate offense.

(Ord. 871 § 4, 1990: prior code § 24-6-26)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 10.24

VEHICLE EQUIPMENT

Sections:

10.24.010 State provisions adopted by reference.

Section 10.24.010 State provisions adopted by reference.

The state law on equipment of vehicles, 625 ILCS Ch. 5/12, as passed, approved and amended by the Illinois General Assembly is adopted by the city, and the provisions thereof shall be controlling within the corporate limits of the city. (Amended during 1997 codification; prior code § 24-7-1)

Chapter 10.28

ABANDONED VEHICLES

Sections:

10.28.010	Definitions.
10.28.020	Abandonment unlawful.
10.28.030	Possession of vehicle by other party--Towing.
10.28.040	Authorized towing.
10.28.050	Police responsibilities.
10.28.060	Unknown owner.
10.28.070	State police information.
10.28.080	Public sale--Reclamation.
10.28.090	Notification--New car--Mail.
10.28.100	Notifications--Old car.
10.28.110	Police record for disposed vehicle.
10.28.120	Public sale proceeds.
10.28.130	Antique vehicle excluded.
10.28.140	Liability of city.

Section 10.28.010 Definitions.

For the purpose of this title, the following words shall have the meaning ascribed to them as follows:

"Abandoned vehicle" means all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

"Antique vehicle" means a motor vehicle that is more than 25 years of age or a bona fide replica thereof and which is driven on the city streets or highways only going to and returning from an antique show or exhibition, or for servicing or demonstration, or a fire-fighting vehicle more than 20 years old which is not used as fire-fighting equipment but is used only for the purposes of exhibition or demonstration.

"Highway" means any street, alley or public way within the city. (Prior code § 24-6-1)

(Ordinance No. 2544, Amended, 04/16/2007, Amended Chapter 10.28.010 - Antique Vehicle definition.)

Section 10.28.020 Abandonment unlawful.

The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this municipality is unlawful and subject to penalties, as set forth herein. The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this municipality is unlawful, except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the chief of police of this municipality, after a waiting period of seven days or more has expired. (Prior code § 24-6-2)

Section 10.28.030 Possession of vehicle by other party--Towing.

When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the municipal police department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the chief of the municipal police department shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this title. (Prior code § 24-6-3)

Section 10.28.040 Authorized towing.

A. When a motor vehicle or other vehicle is abandoned on a highway in this municipality twenty-four (24) hours or more, its removal by a towing service may be authorized by order of the officer on duty of the police department of this municipality.

B. When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of an officer of the police department of this municipality.

C. When a vehicle removed from either public or private property is authorized by order of the chief of the police department of this municipality, the owner of the vehicle will be responsible for all towing costs. (Prior code § 24-6-4)

Section 10.28.050 Police responsibilities.

When a motor vehicle or other vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (Prior code § 24-6-5)

Section 10.28.060 Unknown owner.

When the municipality police department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the state of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The police department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches will be used by the police department in sending a notification by certified mail to the owner or legally entitled person, advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. (Prior code § 24-6-6)

Section 10.28.070 State police information.

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of another state, if applicable, the police department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. (Prior code § 24-6-7)

Section 10.28.080 Public sale--Reclamation.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid. (Prior code § 24-6-8)

Section 10.28.090 Notification--New car--Mail.

Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the police department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten days prior to the sale on the premises where the vehicle has been impounded. At least ten days prior to the sale, the police department shall cause a notice of the time and place to be sent by certified mail to the registered owner or other person known by the police department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the police department due to the addressee having moved or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required. (Prior code § 24-6-9)

Section 10.28.100 Notifications--Old car.

When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age or newer cannot be determined by any means provided for in this title, the vehicle may be sold as provided herein or disposed of in the manner authorized by this title, without notice to the registered owner or other person legally entitled to the possession of the vehicle.

When an abandoned vehicle of more than seven years of age is impounded as specified by this title, it will be kept in custody for a minimum of ten days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor

vehicle files for theft and wanted information. At the expiration of the ten-day period without the benefit of disposition information being received from the registered owner, the chief of police will authorize the disposal of the vehicle as junk only. (Prior code § 24-6-10)

Section 10.28.110 Police record for disposed vehicle.

When a motor vehicle or other vehicle in the custody of the police department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this title, a report of the transaction will be maintained by the police department for a period of one year from the date of the sale or disposal. (Prior code § 24-6-11)

Section 10.28.120 Public sale proceeds.

When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the officer on duty of the police department of this city and disposed of as set forth in this title, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury. (Prior code § 24-6-12)

Section 10.28.130 Antique vehicle excluded.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from the provisions of this title. (Prior code § 24-6-13)

Section 10.28.140 Liability of city.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this title. (Prior code § 24-6-14)

Chapter 10.32

INOPERABLE VEHICLES

Sections:

10.32.010 Inoperable motor vehicles a nuisance.

10.32.020 Inoperable motor vehicle defined.

10.32.030 Removal of inoperable motor vehicles.

10.32.040 Penalties.

Section 10.32.010 Inoperable motor vehicles a nuisance.

Inoperable motor vehicles, whether located on public or private property and in view of the general public, are declared to be a nuisance for which the provisions and penalties hereof shall apply. (Ord. 698 § 1 (part), 1988: prior code § 24-6-1(A))

Section 10.32.020 Inoperable motor vehicle defined.

As used in this chapter, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven days the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include: (i) a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations; (ii) any motor vehicle that is kept within a building when not in use; (iii) to operate historic vehicles over twenty-five (25) years of age; or (iv) to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. (Ord. 698 § 1 (part), 1988: prior code § 24-6-2(A))

Section 10.32.030 Removal of inoperable motor vehicles.

The city's police department is authorized to abate an inoperable motor vehicle nuisance existing in the city, with or without prior written notice to the person or entity causing or maintaining that nuisance.

If deemed appropriate by the city's police chief or his designee, the city may, but shall not be required to determine the registered owner and/or party in lawful possession of the inoperable motor vehicle and serve a written notice on that party requiring them to abate said nuisance and to remove and dispose of the inoperable motor vehicle within a specified period of time and in such manner as the designated authority shall require. It shall not be necessary for the designated authority to specify in the notice the manner in which the inoperable motor vehicle shall be disposed of, unless the designated authority deems it advisable to do so.

The police department is authorized to remove and impound the inoperable motor vehicle as in cases involving removal and impoundment of abandoned motor vehicles under the provisions of chapter 10.28 of the city's municipal code, with or without prior written notice to the registered owner or party in lawful possession of the inoperable motor vehicle. The

inoperable motor vehicle may be stored by the police department at the city's impoundment facility or at the city's safety complex. The registered owner or such other person or party as shall have created or suffered such nuisance to exist or be maintained shall be charged a reasonable fee for the storage, and all costs of the removal and storage.

(Ord. 698 § 1 (part), 1988: prior code § 24-6-3(A))

(Ordinance No. 2544, Amended, 04/16/2007, Amended Section 10.32.030.)

Section 10.32.040 Penalties.

Any person or party in violation of the provisions of this chapter shall be subject to paying a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and each day a violation occurs or continues shall be deemed a separate offense.

(Ord. 698 § 1 (part), 1988: prior code § 24-6-4(A))

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 2544, Amended, 04/16/2007, Changed Section 10.32.040 Penalties.)

Chapter 10.36

PARKING GENERALLY

Sections:

- 10.36.010 Parking restrictions on certain types of motor vehicles.**
 - 10.36.020 Parking and operation restrictions on certain types of tank vehicles.**
 - 10.36.030 Street cleaning.**
 - 10.36.040 Towing cars away.**
 - 10.36.050 Vehicles for sale.**
 - 10.36.060 Loading zone.**
 - 10.36.070 Parking at City Hall.**
 - 10.36.080 Alleys.**
 - 10.36.090 Parking motor vehicles on private property.**
 - 10.36.100 Signs.**
 - 10.36.110 Parking on improved surfaces within City Parks.**
- Section 10.36.010 Parking restrictions on certain types of motor vehicles.**

A. It is unlawful to permit the following described vehicles to stand on any public street of the city for more than one hour (sixty (60) minutes) except as reasonably required for loading and unloading or except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

1. Self-propelled vehicles designed or used as a tractor to pull one or more semi-trailers; semi-trailers designed to be pulled by a tractor; and, combination tractor and semi-trailer or semi-trailers;
2. Motor vehicles designed to carry more than ten persons including but not limited to buses;
3. Vehicles designed or used for living quarters;
4. Motor vehicles designed for carrying not more than ten persons which have been remodeled and are being used for carrying freight or for use as living quarter;
5. Trailers which are attached to or detached from a motor vehicle that would be used to draw them, such trailers being defined as every vehicle without motive power in operation, designed for carrying persons or property and for being drawn by a motor vehicle without regard to whether or not the vehicle so constructed is designed for part of its weight to rest

upon the towing vehicle.

B. Vehicles exceeding 25 feet in length or 10,000 lbs. gross vehicle weight rating shall be prohibited from parking on public streets within residential zoning districts or adjacent to residential land uses, except as follows.

1. Such vehicles may be parked in a public right-of-way for no longer than one hour while in the process of loading or unloading.

2. A commercial, business, or industrial vehicle, as defined in Section 17.04.030 of the City's Zoning Code, may be parked in a public right-of-way within one block of an address where it is actively being used to conduct business.

3. Heavy construction/excavation equipment may be parked in a public right-of-way within one block of an address where it is actively being used for construction work. Such parking shall not include storage during nonworking hours.

(10.36.010.B, Amended, 03/04/2019, Ord. 3450; 10.36.010 Parking (B) (Ord. 2069), Amended, 07/01/2002)

Section 10.36.020 Parking and operation restrictions on certain types of tank vehicles.

The provisions of this section apply to tank vehicles which are to be used for the transportation of asphalt or flammable or combustible liquids (hereinafter referred to as "tank vehicles").

A. 1. Parking on Streets, Avenues, Alleys or Highways in the City. Tank vehicles shall not be parked or left unattended on any street, highway, avenue or alley in the city; provided, that this shall not prevent a driver from the necessary absence from the vehicle in connection with the delivery of his load, except that during actual discharge of the liquids some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking. Tank vehicles shall not be parked out of doors at any one point for longer than one hour except at flammable liquid bulk terminals, bulk plants and other locations approved by the city fire marshal.

2. Tank vehicles shall not be parked or garaged in any building or structure other than those specifically approved for such use by the city fire marshal.

B. Vehicles exceeding 25 feet in length or 10,000 lbs. gross vehicle weight rating shall be prohibited from parking on public streets within residential zoning districts or adjacent to residential land uses, except as follows.

1. Such vehicles may be parked in a public right-of-way for no longer than one hour while in the process of loading or unloading.
2. A commercial, business, or industrial vehicle, as defined in Section 17.04.030 of the City's Zoning Code, may be parked in a public right-of-way within one block of an address where it is actively being used to conduct business.
3. Heavy construction/excavation equipment may be parked in a public right-of-way within one block of an address where it is actively being used for construction work. Such parking shall not include storage during non-working hours.

(Ord. No. 3450, Amended, 07/13/2021)

Section 10.36.030 Street cleaning.

It is unlawful to park any vehicle on any public street or portion thereof in the city at any time when such street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street, and shall be removed after the cleaning of the street is finished. (Prior code § 24-5-3)

Section 10.36.040 Towing cars away.

The police department and all members thereof

assigned to traffic duty are authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle, or may be illegally parked in violation of this title.

Cars so towed away shall be stored on any city property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the city in removing and storing such vehicles. (Prior code § 24-5-6)

Section 10.36.050 Vehicles for sale.

It is unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled. (Prior code § 24-5-8)

Section 10.36.060 Loading zone.

It is unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed thirty (30)

minutes, in any place designated by the mayor and city council as loading zones and marked as such, or in any of the following designated places:

- A. At any place not to exceed seventy-five (75) feet along the curbs before the entrance to any hospital or hotel at any time;
- B. At any place not to exceed seventy-five (75) feet along the curb before the entrance to a public building between eight a.m. and six p.m., except on Sunday;
- C. Directly in front of the entrance to any theatre at any time that the theatre is open. (Prior code § 24-5-9)

Section 10.36.070 Parking at City Hall.

It is unlawful, between the hours of eleven p.m. of every day and seven a.m. of the following day, to park any motor vehicle in the parking lot east of City Hall and between Cedar Street and Cherry Street, unless one or more of the occupants of the motor vehicle are attending City Hall for the purpose of conducting business or receiving city services thereat, or unless one or more of the occupants of said motor vehicle are city officials or employees. (Ord. 1751 § 1, 1999; Ord. 1102 § 1, 1993; prior code § 24-5-13)

(Ordinance No. 2487, Amended, 08/07/2006, Deleted from Section 10.36.070 - "It is unlawful between the hours of eleven pm of every day and seven am of the following day to park any motor vehicle in the parking lot of the Meadow Ridge Park and/or on the driveway leading to the Meadow Ridge Park.")

Section 10.36.080 Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (Prior code § 24-5-10)

Section 10.36.090 Parking motor vehicles on private property.

It is unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (Prior code § 24-5-11)

Section 10.36.100 Signs.

The chief of police or any other person authorized by the mayor and city council shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions. (Prior code § 24-5-12)

Section 10.36.110 Parking on improved surfaces within City Parks.

It shall be an offense punishable by fine to park motor vehicles or trailers as defined by the Illinois Vehicle Code in City Parks outside of

improved surface areas.

(Ordinance No. 2567, Added, 06/18/2007, Added Section 10.36.110 Parking on Improved Surfaces Within City Parks.)

Chapter 10.40

TIME LIMIT PARKING ON SPECIFIC STREETS

Sections:

- 10.40.010** **Time limit parking.**
10.40.020 **Post office area.**
10.40.030 **Time limit parking in school zones.**

Section 10.40.010 Time limit parking.

Except on Sundays and holidays, it is unlawful:

A. To park any vehicle for more than two hours in any consecutive period of time between the hours of six a.m. and six p.m. within the following areas:

1. On Oak Street between South Main Street and South Rapp Avenue;
 2. On Legion Avenue from Rapp Avenue to Metter Avenue;
 3. On Kunz Street from North Main Street to North Rapp Avenue;
 4. On Locust Street from North Main Street to North Metter Avenue;
 5. On Mulberry Street from North Main Street to North Metter Avenue;
 6. On Cedar Street from South Main Street to South Rapp Avenue;
 7. Along the northwesterly side of Locust Street from North Main Street to North Rapp Avenue;
 8. Along the southeasterly side of Locust Street from North Main Street to North Rapp Avenue;
 9. On Main Street from the North side of Cherry Street to the south side of Whiteside Street;
 10. On the west side of North Main Street between Kalowsky and Wierschem Street;
- and

B. To park any vehicle in any area designated by ordinance as a restricted parking area. (Ord. 1870 § 1, 2000; Ord. 1726 § 1, 1999; Ord. 1181 § 1, 1993; Ord. 1045 § 1, 1992; prior code § 24-5-4)
(Ord. 2298, Repealed, 11/01/2004, Ord. 2298 rescinded Ordinances 1869 and 1870 passed 08/21/2000.)

Section 10.40.020 Post office area.

It is unlawful, at any time, to park any vehicle for more than fifteen (15) minutes along the southeasterly side of West Locust Street from the northeasterly line of North Rapp Avenue for a distance of one hundred sixty-five (165) feet. (Prior code § 24-5-5)

Deleted by Ordinance 2696 passed and approved December 15, 2008.

Section 10.40.020 (Time Limit Parking on Specific Streets) of Title 10 (Vehicles and Traffic) of the City of Columbia, Illinois Municipal Code stating: "It is unlawful, at any time, to park any vehicle for more than fifteen (15) minutes along the southeasterly side of West Locust Street from the northeasterly line of North Rapp Avenue for a distance of one hundred sixty-five (165) feet." is hereby deleted.

(Ordinance No. 2696, Repealed, 12/15/2008, Deleted Section 10.40.020 (Time Limit Parking on Specific Streets) West Locust Street.)

Section 10.40.030 Time limit parking in school zones.

Except on Saturdays, Sundays, and holidays, and when school is not in session, it is unlawful:

A. To park any vehicle during the hours of seven-thirty (7:30) a.m. to eight-fifteen (8:15) a.m. and from two forty-five (2:45) p.m. to three-thirty (3:30) p.m. on Monday through Friday when school is in session in the following areas:

1. On the south side of East Liberty from South Main Street to South Metter Avenue,

B. To park any vehicle in any area designated by ordinance as a restricted parking area.

(Ord. 2392, passed and approved 08/15/2005.)

(Ord. 1869 § 1, 2000; Ord. 1838 § 1, 2000)

(Ord. 2392, Amended, 08/15/2005; Ord. 2298, Repealed, 11/01/2004, Ord. 2298 rescinded Ordinances No. 1869 and No. 1870.)

Chapter 10.44

**PARKING PROHIBITED ON CERTAIN PUBLIC STREETS AND OTHER
PUBLIC PLACES**

Sections:

- 10.44.010 Prohibited parking on certain public streets.**
10.44.020 Prohibited parking at other public places.

Section 10.44.010 Prohibited parking on certain public streets.

At any time it is unlawful to permit any vehicle to park in any of the following places, except when necessary to avoid conflict with other traffic or compliance with the directions of a policeman or traffic control device:

1. Along the northwesterly side of West Cherry Street extending 150 feet northeasterly from the northeasterly line of Rapp Avenue;
2. Along the southeasterly side of West Cherry Street extending 200 feet southwesterly from the southwesterly line of South Main Street;
3. Along the northeasterly side of South Rapp Avenue extending from the northwesterly line of Cedar Street to the southeasterly line of West Legion Avenue;
4. Along the southwesterly line of South Rapp Avenue extending 324 feet southeasterly from the southeasterly line of West Legion Avenue;
5. Along the northeasterly side of East Cherry Street extending from the northeasterly line of South Main Street to the southwesterly line of East Legion Avenue;
6. Along the westerly side of South Main Street, beginning at a point 139 feet northerly of the westerly corner of the intersection of Ludmann Street with South Main Street, thence northerly a distance of 243 feet;
7. Along the north side of West Cherry Street from the

intersection of South Main Street and West Cherry Street westwardly to the intersection of South Rapp Avenue and West Cherry Street;

8. Along the easterly side of South Main Street from the southeasterly intersection of Centerville and South Main Street, thence southerly a distance of 6 feet;

9. Along the northeasterly side of Rapp Avenue extending from the northwesterly line of West Legion Avenue to the southeasterly line of West Locust Street;

10. On the parts of Temple Street, Evergreen Lane and Parkview Drive embraced within the following description; Beginning at a point on Temple Street which is 210 feet westerly of the westerly line of North Rapp Avenue; thence westerly along Temple Street to Evergreen Lane; thence northwesterly along Evergreen Lane to Parkview Drive; thence northeasterly along Parkview Drive to the westerly line of North Main Street;

11. Along the south side of Cherry Street from the southwesterly line of Liberty Street, a distance of 176 feet;

12. Along either side of Carl Street between Federal aid Route 4 and Charlotte Street;

13. Along each side of Main Street extending from Oak Street to Cedar Street;

14. Along both sides Main St. from Route 14 (Ill. 3) to Parkview Drive (except emergency parking will be allowed);

15. Along both sides Main St. from Parkview Drive to Lepp Street;

16. Along both sides Main Street from Ludmann St. to south city limits;

17. Along South Main Street from 300 feet north of its intersection with F.A.P. Route 14 (Ill. 3) to F.A.P. Route 14;

18. Along F.A.P. Route 14 from 300 feet west of its intersection

with South Main Street to South Main Street;

19. Along Sand Bank Road from 300 feet west of intersection with F.A.P. Route 14 (Ill. 3) to F.A.P. Route 14;

20. Along F.A.P. Route from 300 feet north of intersection with Sand Bank Road and North Main to 300 feet south of intersection;

21. Along the north side of Cedar Street from South Rapp Avenue westerly for a distance of 20 feet;

22. Along the south side of Cedar Street from South Rapp Avenue westerly for a distance of 20 feet;

23. On both sides of Wedgewood Square, from the intersection of Wedgewood Square and Wedgewood Drive north to the intersection of Wedgewood Square and Main Street;

24. On the south side of Centerville Avenue, from South Main Street to Ferkel Street;

25. On both sides of Federal Aid Primary (FAP) Route 14 (also known as Illinois Route 3), from the north corporate limits of the city to the south corporate limits of the city;

26. Along the west side of Metter Street between Cherry Street and Liberty Street;

27. On the north side of Monroe Street, from Rapp Avenue to the City of Columbia maintenance building;

28. Along the south side of Cedar Street from the west side of Rapp Avenue West to the end of Cedar Street at or about the location of the Columbia Community Unit No. 4 School District property;

29. Along the north side of East Cherry Street from the intersection of South Main Street and East Cherry Street eastwardly to the intersection of Bluffside Road and East Cherry Street and along the south side of Cherry Street from the intersection of South Main Street and East Cherry Street eastwardly to the intersection of Bluffside Road and East Cherry

Street, except that parking shall be allowed for 154 feet on the south side of East Cherry Street between South Main Street and Metter Street, said permitted parking commencing at 20 feet west of the intersection of East Cherry Street and Metter Street and continuing in a westwardly direction for 154 feet;

30. Along the north side of Bottom Avenue from the intersection of Bottom Avenue and Legion Street in a generally westerly direction to the intersection of Bottom Avenue with Illinois State Route No. 3;

31. Along the south side of Bottom Avenue for a distance of 200 feet in a generally easterly direction from the intersection of Bottom Avenue and Illinois State Route No. 3;

32. On the north side of East Locust Street beginning at a point 165 feet east of the northwesterly corner of the North Main and East Locust Streets intersection, thence easterly on East Locust Street to North Metter Avenue, thence easterly to North Briegel Street, thence easterly to the north Ferkel Street intersection;

33. Along the East Side of Carl Street from the intersection of Legion Street to 192 feet South and along the West side of Carl Street from the intersection of Legion Street to Admiral Parkway;

34. On both sides of Ramsey Road beginning at a point at the east exit ramp of the Levee Road, easterly for a distance of 2,640 feet;

35. On the east side of South Main Street, beginning at a point 38 feet from the crosswalk which exists from Oak Street to the east side of South Main Street, thence southerly for a distance of 23 feet (the area between the crosswalk and the funeral home entrance);

36. On both sides of Koch Street, within 15 feet east of its intersection with North Main Street;

37. On the west side of South Main Street from the North curb line of Ludmann Street to a point 382 feet north of said curb line;

38. On the south side of Meadowview Lane from its intersection with Westpark Drive to a point 275 feet west of the curb line;

39. On the northwest corner of North Rapp Avenue, beginning at a point on the northwest corner of Parkview Drive, thence southerly for a distance of 30 feet;

40. On the south side of East Cherry Street from South Main Street to Bluffside Road;

41. On the north side of Vogt Street for a distance of 163 feet from its intersection with North Main Street (except on Sundays and holidays);

42. On the south side of Edelweiss street from Columbia Centre to Admiral Parkway;

43. On the south side of Bottom Avenue from the intersection of the northerly extension of the east curb line of Oak Ridge Drive and Bottom Avenue to a point 40 feet east of said intersection;

44. On both sides of Evergreen Lane between Parkview Drive and the intersection of Park Drive in the Bolm--Schuhkraft Memorial Park;

45. On the southeast side of Gall Road, for a distance of four (400) hundred feet from the intersection of Admiral Parkway;

46. Along both sides of Parkview Drive from North Main Street to Admiral Parkway;

47. Along both sides of Clara Lane from North Main Street to Rapp Avenue;

48. Along both sides of "D" Road within the Pines Subdivision;

49. On the east side of North Rapp Avenue, from its intersection with Parkview Drive, to a point three hundred (300) feet south of said intersection; and

50. On the east side of South Main Street in the 600 block.

51. On the East side of South Main Street, from the south curb line of Liberty Street to a point thirty (30) feet south of said curb line.

52. On the East side of South Main Street, from the south curb line of Cherry Street to a point thirty-one (31) feet south of said curb line.

53. On the East side of North Main Street, from the south curb line of East Locust Street to a point thirty and one half (30.5) feet south of said curb line.

54. On the West side of North Main Street from the north curb line of West Legion Avenue to a point forty-four and one half (44.5) feet north of said curb line.

55. On all cul-de-sacs of dead-end streets in the Columbia Lakes Subdivision, the Columbia Lakes II and III Subdivisions and the yet to be final platted Columbia Lakes IV Subdivision and all phases thereof, including but not limited to August Court and Woody Court in the Columbia Lakes II Subdivision;

56. On the east side of Brookfield Court, from the southern terminus thereof at its intersection with Columbia Lakes Drive, north to the most northerly tangents for the radii for the curve in Brookfield Court where the Court changes direction to run from a northerly and southerly direction to an easterly and westerly direction.

57. On the north side of Brookfield Court from the northerly tangents for the radii for the curve in Brookfield Court, where Brookfield Court changes direction to run from an easterly and westerly direction to a northerly and southerly direction, west to the intersection of Brookfield Court with Columbia Lakes Drive in the Columbia Lakes Subdivision;

58. On the south side of Deercreek Court, from the tangents for the radii for the cul-de-sac at the easterly terminus of Deercreek Court, west to the intersection of Deercreek Court with Columbia Lakes Drive in the Columbia Lakes Subdivision;

59. On the south side of Elmwood Court, from the tangents for the radii for the cul-de-sac at the eastern terminus of Elmwood Court, west to the intersection of Elmwood Court with Columbia Lakes Drive in the Columbia Lakes Subdivision;

60. On the south and east sides of Kory Drive, from the tangents for the radii for the cul-de-sac at the eastern terminus of Kory Drive, west to the intersection of Kory Drive with Columbia Lakes Drive in the Columbia Lakes Subdivision;

61. On the west and the north sides of Lake Shore Drive from the intersection of Lake Shore Drive with Columbia Lakes Drive in the Columbia Lakes II Subdivision, north and east to the most southerly tangents for the radii for the curve in Lake Shore Drive where Lake Shore Drive changes direction from running in a southeasterly and northwesterly direction to running in a northeasterly and southwesterly direction at Lots 63 and 90 in the Columbia Lakes II Subdivision;

62. On the east side of Lake Shore Drive from the most southerly tangents for the radii for the curve in Lake Shore Drive where Lake Shore Drive changes from a southeasterly and northwesterly direction to run in a southwesterly and northeasterly direction at Lots 63 and 90 in the Columbia Lakes II Subdivision, to the intersection of Lake Shore Drive with August Court in the Columbia Lakes II Subdivision;

63. On the north side of Lake Shore Drive from the intersection of Lake Shore Drive with August Court to the intersection of Lake Shore Drive with Woody Court in the Columbia Lakes II Subdivision;

64. On the west side of Lake Shore Drive from the intersection of Lake Shore Drive with Woody Court in the Columbia Lakes II Subdivision, north to the intersection of Lake Shore Drive with Micah's Way in the Columbia Lakes III Subdivision;

65. On the south side of Micah's Way from the intersection of Micah's Way with Overview Drive in the Columbia Lakes III Subdivision, east to the most southerly tangents for the radii for the curve in Micah's Way in the yet to be final platted Columbia Lakes IV Subdivision at Lots 265 and 294 in the yet to be final platted Columbia Lakes IV Subdivision where Micah's Way changes

from an easterly and westerly direction to a northerly and southerly direction;

66. On the west side of Micah's Way from the tangents for the radii for the curve in Micah's Way in the yet to be final platted Columbia Lakes IV Subdivision at Lots 265 and 294 in said yet to be final platted Columbia Lakes IV Subdivision, where Micah's Way changes from an easterly and westerly direction to a northerly and southerly direction, south to the southern terminus of Micah's Way where Micah's Way will dead-end at a cul-de-sac in the yet to be final platted Columbia Lakes IV Subdivision;

67. On the south side of Kendrick Drive in the Columbia Lakes III Subdivision, from the west terminus thereof that ends in a bubble cul-de-sac east to the intersection thereof with Robert Drive in the Columbia Lakes III Subdivision;

68. On the east and south sides of Robert Drive, from the intersection of Robert Drive with Micah's Way, south and west to the intersection of Micah's Way with Overview Drive in the Columbia Lakes III Subdivision;

69. On the south side of Jennifer Court, from the eastern terminus of Jennifer Court that dead-ends at a cul-de-sac in the yet to be final platted Columbia Lakes IV Subdivision, west to the intersection of Jennifer Court with Lake Shore Drive in the Columbia Lakes III Subdivision;

70. On the south side of Edward Drive, from the intersection of Edward Drive with Lake Shore Drive in the Columbia Lakes III Subdivision, east to the intersection of Edward Drive with Micah's Way in the yet to be final platted Columbia Lakes IV Subdivision."

71. On the west side of Overview Drive from its intersection with Micah's Way in the Columbia Lakes III Subdivision, from the north terminus thereof that ends in a bubble cul-de-sac south to the intersection thereof with Robert Drive in the Columbia Lakes III Subdivision.

74. On the east side of Lake Side Drive from Micah's Way to Lake Shore Drive.

75. Along the West Side of Columbia Lakes Drive from the Southern most point of Brookfield Court to Old State Route 3.

76. Along the North side of Rapp Avenue extending sixty (60) feet easterly from the east line of Parkview Court.

77. Along the north and south side of Bradington Drive from the southwesterly line of Veterans Parkway a distance of two hundred fifty (250) feet.

78. Along the east side of Legion Avenue from Leo Street to fifty (50) feet south of Main Street.

79. Along the west side of Kunz Street from Main Street to St. Paul Street and Bottom Avenue to Legion Avenue.

80. Along the east and west side of Columbia Centre Drive from Veteran's Parkway to Columbia National Bank entrance.

81. On the east side of South Riebeling Street, beginning at a point 80 feet from the intersection of Centerville Road, then northwesterly for a distance of 130 feet (the area adjacent to St. Paul Lutheran Church Cemetery).

82. Along the east and west side of Skyline Drive from the existing hammerhead turnaround to a point north for 120 feet (existing concrete pavement).

(Ordinance No. 3597, Added, 12/20/2021, Added Skinline Dr Hammerhead; Ordinance No. 3291, Amended, 11/07/2016, Amended Section 10.44.010 - Prohibited Parking - East side of South Riebeling St.; Ordinance No. 3265, Added, 06/06/2016, Added Prohibited Parking - 80. Along the east and west side of Columbia Centre Drive from Veteran's Parkway to Columbia National Bank entrance.; Ordinance No. 3057, Added, 09/03/2013, Added Prohibited Parking #78 & #79 - east side of Legion & west side of Kunz; Ordinance No. 3033, Amended, 05/06/2013, Added #77 - Prohibited parking on Bradington Drive; Ordinance No. 2723, Amended, 06/15/2009, Added 2 No Parking areas #75 and #76.; Ordinance No. 2680, Amended, 09/15/2008, Changed #33 - Parking along Carl Street.; Ordinance No. 2629, Amended, 02/04/2008, On the east side of Lake Side Drive from Micah's Way to Lake Shore Drive.; Ord. 2310, Added, 12/06/2004, Limiting Parking in Columbia Lakes Subdivision.; 10.44.010 (Ord. 2300), Amended, 11/01/2004, Added No Parking to Columbia Lakes Subdivision.; 10.44.010 (51, 52, 53 & 54) (Ord. 2001), Amended, 11/05/2001)

Section 10.44.020 Prohibited parking at other public places.

It is unlawful to permit any motor vehicle to be parked in the city at the following public places, as follows:

1. Between the hours of eleven o'clock p.m. (11:00 p.m.) of every day and seven o'clock a.m. (7:00 a.m.) of the following day on the parking lot east of the Columbia City Hall at 208 South Rapp Avenue and between Cedar Street and Cherry Street, unless one (1) or more of the occupants of the motor vehicle are attending the city hall for the purpose of conducting business or receiving city services there as, or unless one (1) or more of the occupants of said motor vehicle are city officials or employees.

2. Between the hours of eleven o'clock p.m. (11:00 p.m.) of every day and seven o'clock a.m. (7:00 a.m.) of the following day on the parking lot of the Meadow Ridge Park and/or the driveway leading to the Meadow Ridge Park.

3. On the parking lot for the Columbia Public Library at 106 North Metter Avenue, unless one (1) or more of the occupants of the motor vehicle are attending the library for the purpose of conducting library or city business or unless one (1) or more of the occupants of said motor vehicle are city or library officials or employees.

4. On the parking lot of Metter Park (which park is adjacent to the Columbia Public Library at 106 North Metter Avenue in the City), unless one (1) or more of the occupants of the motor vehicle are attending Metter park for the purpose of utilizing the park for park and playground purposes or one (1) or more of the occupants of the motor vehicle are city officials or employees.

5. On the parking lot of Stone Arch Park (which park is adjacent to the intersection of Gall Rd. & Illinois Route 3 in the City), unless:

a. One (1) or more of the occupants of the motor vehicle are visiting Stone Arch Park for the purpose of utilizing the park; or

b. One (1) or more of the occupants of the motor vehicle are visiting or are staff members of the Monroe County Welcome Center or Shoemaker School Museum; or

c. One (1) or more of the occupants of the motor vehicle are City officials or employees.

Any person, firm, or corporation violating this ordinance shall be fined not less than One Hundred (\$100.00) dollars nor more than Seven Hundred Fifty (\$750.00) dollars for each offense.

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 2882, Added, 07/18/2011, Added Penalty for Ordinance No. 2882.; Ordinance No. 2882, Added, 07/18/2011, No parking at the Stone Arch Park.; Ordinance No. 2487, Added, 08/07/2006, Added Section 10.44.020 Prohibited parking at other public places.)

Chapter 10.48

PENALTIES

Sections:

10.48.010 Violation--Penalty.

10.48.020 Arrests.

10.48.030 Prima facie proof.

10.48.040 Parking violations.

Section 10.48.010 Violation--Penalty.

Any person, firm or corporation violating any provision of this title, except as otherwise specifically provided, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each violation thereof and each day a violation continues shall constitute as a separate offense.

(Ord. 1319 § 1, 1995: prior code § 24-9-1)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 2487, Amended, 08/07/2006, Amended 10.48.010 Violaton -Penalty (Changed from \$500.00 to \$750.00))

Section 10.48.020 Arrests.

Any person arrested for a violation of any provision of this title shall be released upon proper bail being furnished as required by statute. (Prior code § 24-9-2)

Section 10.48.030 Prima facie proof.

The fact that an automobile which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation. (Prior code § 24-9-3)

Section 10.48.040 Parking violations.

Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area, or restricting the length of time a vehicle may be there parked, or parking in a metered area without putting a

coin in the meter to cover the required time, may settle and compromise the claim against him or her for such illegal parking by paying to the city the sum of fifty dollars (\$50.00) for the first violation and seventy-five dollars (\$75.00) for subsequent violations (within twenty-four (24) hours of the time such alleged offense was committed), except those cases where, by ordinance, separate and different penalties are listed, in which instance, the listed penalty shall prevail. Such payment shall be made at the City Clerk's Office and a receipt shall be issued for all money so received, and such money shall be promptly turned over to the Treasurer to be credited to the General Revenue Fund.

Provided, that this section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance in a hospital. Nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to move a vehicle illegally parked at the request of any member of the police department.

NOT AMENDED UNDER ORDINANCE 3180

PASSED & APPROVED 04/20/2015

14 Day Delinquent Parking Violations \$90.00

(Amended during 1997 codification; prior code § 24-9-4)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 3094, Amended, 04/21/2014, New Fee Ord. for fy 2014/2015.; Ordinance 3019, Added, 04/15/2013, Parking Violation from new fee ordinance = \$30.00 per parking violation; 14day delinquent parking violatons = \$90.00)

Chapter 10.52

TRAFFIC SCHEDULES

Sections:

10.52.010 **Schedule A--Through intersections.**

10.52.020 **Schedule B--Stop intersections.**

10.52.030 **Schedule C--Yield intersections.**

10.52.040 **Schedule D--One-way streets and alleys.**

Section 10.52.010 **Schedule A--Through intersections.**

The following locations are designated through streets and traffic signal control locations:

Through Streets

Main Street from the northerly city limits to the southerly city limits.

Rapp Avenue from its intersection with the southeasterly side of Locust Street to the southeasterly side of Virginia Street.

Rapp Avenue from its intersection with the northwesterly side of Monroe Street to its intersection with the southeasterly side of Parkview Drive.

North Metter Avenue from its intersection with North Briegel Street to its intersection with the northwesterly side of East Lepp Street.

Metter Avenue from its intersection with the southeasterly side of Lepp Street to the northwesterly side of Locust Street.

North Metter Avenue from the southeasterly side of Locust Street to the northwesterly side of Cherry Street.

South Metter Avenue from the southeasterly side of Cherry Street and, along Schneider Street, to the westerly side of Riebeling Street.

Cherry Street from its northeasterly intersection with Metter Avenue to Bluff Side Road, and thence continuing northeasterly along Bluff Side Road to the northeasterly city limits.

Bottom Avenue from its northwesterly intersection with West Legion Avenue to the westerly city limits.

Legion Avenue from its intersection with the southwesterly side of Rapp Avenue to its western terminus.

Rueck Street from its intersection with the easterly side of North Metter Avenue to the north city limits.

Locust Street from the southwesterly side of St. Paul Avenue to the southwesterly side of Main Street, and from the southeasterly side of North Metter Avenue to the northeasterly terminus of Locust Street.

St. Paul Avenue from the northwesterly side of Kunz street, and thence northwesterly into Beaird Street and thence along Beaird Street to the northerly side of Bottom Avenue.

Briegel Street from the northwesterly intersection of Locust Street to the southeasterly side of Rueck Street, and also from the northwesterly side of Rueck Street to its northwesterly terminus.

Columbia Avenue from its intersection with Cherry Street to its intersection with the northwesterly side of Schneider Street.

Columbia Avenue from its intersection with the southeasterly side of Schneider Street to its intersection with the northwesterly side of Centerville Avenue.

Parkview Drive from North Main Street to the Admiral Parkway;

and any other street or part of a street in the city designated by ordinance as through streets are declared to be through streets.

The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by the traffic officer or a traffic control signal. (Ord. 993 § 1, 1992; Ord. 926 § 1, 1991; prior code traffic schedule A)

Section 10.52.020 Schedule B--Stop intersections.

The following locations are designated as stop intersections. Stop signs shall be placed within the city at street intersections as follows, and it shall be unlawful to drive any vehicle into any intersection of streets from a street for which a stop sign has been erected without first bringing such vehicle to a full stop:

On both sides of Olympia Street at Milton Avenue.

On both sides of Charlotte Street at Carl Street.

On both sides of Schneider Street at Riebeling Street.

On Monroe Street at southeasterly intersection with North Rapp Avenue.

On Parkview Drive at the northerly exit from the Bohlm-Schuhkraft Memorial Park.

On both sides of Evergreen Lane at Cascade Drive.

On south end of Glendale Drive at Metter Avenue.

On south end of Metter Avenue at Glendale Drive.

On Glendale Drive at Briegel Street.

On Metter Avenue at Briegel Street.

On Ridgeview Drive at Metter Avenue.

On Ridgeview Drive at Briegel Street.

On both sides of Metter Avenue at Crestview Drive.

On Metter Avenue south of Temple Street.

On Crestview Drive at Briegel Street.

On both sides of Divers Street at Walnut Street.

On Divers Street at southeasterly intersection of Warnock Street.

On Cascade Drive at Glenwood Drive.

On both sides of Columbia Avenue and Riebeling Streets at Centerville Avenue.

On Kaempf Street and North Rapp Avenue at Gundlach Street.

On Kaempf Street North of Monroe Street.
On Paul at Charlotte Avenue.
On Michael at Dianne.
On Goodhaven Drive At Hillcrest Drive.
On both sides of Virginia Avenue at Olympia Street.
On both sides of Columbia Avenue at Schneider Street.
On both sides of Metter Avenue at Rueck Street.
On Ridge Lane at the northeasterly intersection of Westpark Drive.
On Hawthorne Place at the southwesterly intersection with Westpark Drive.
On both sides of Schmidt Street at Kremmel Street.
On both sides of Kremmel Street at Schmidt Street.
On both sides of Schmidt Street at Columbia Avenue.
On Tower Hill Drive at Cherry Street.
On both sides of Schneider Street at Columbia Avenue.
On both sides of Rapp Avenue at Legion Street.
On Wilson Drive before entering Rueck Street.
On Fairfax Drive before entering Rueck Street.
On Meadow Lane South at Meadow Lane North.
On Meadow Lane North at West Park Drive.
On Meadow View East at West Park Drive.
On Meadow View West at West Park Drive.
On Wedgewood Square at the intersection thereof with North Main Street.
On Wedgewood Square at the intersection thereof with Wedgewood Drive.
On Edelweiss Road at Valmeyer Road.
West Park Drive at Edelweiss Road.
Tree Ridge Road at Westpark Drive.
Forestview Road East at Westpark Drive.
Forestview Road West at Westpark Drive.
Harbor Court at Wilson Drive.
Lexington Drive at Wilson Drive.
Nevada Drive at Wilson Drive.
Nevada Drive at Fairfax Drive.
Lexington Drive at Fairfax Drive.
Briar Hill Lane at Meadowview Lane.
On Divers Street at Mulberry.
On Ramsey Road at D.D. Road.
On both sides of Ludman at its intersection with South Rapp.

On Bottom Avenue at Kunz Street for both east- and westbound traffic on Bottom Avenue.

On Kaempf Street at Monroe Street, for northbound traffic on Kaempf Street.

On Oak Tree Drive at its intersection with North Rapp Avenue.

On North Rapp Avenue at its intersection with West Kalowsky Street.

On Ferkel Street at Centerville Avenue, for southbound traffic on Ferkel Street.

On March Court at Eckert Lane, for southbound traffic on March Court.

On North Bradington Court at its intersection with Bradington.

On South Bradington Court at its intersection with Bradington.

On Rockingham Drive at its intersection with Rueck Road.

On Columbia Lakes Drive at its intersection with Palmer Road.

On Parkview Drive at its intersection with North Rapp Avenue.

On Hickory Lane at its intersection with Briar Hill Drive.

On North Briegel Street at its intersection with McKee Street.

On Hickory Lane at its intersection with Bradington Drive.

On Seminole Drive at its intersection with Hickory Lane.

On North Riebeling Street at its intersection with Cherry Street.

On East Locust Street at its intersection with North Ferkel Street.

On both sides of Rueck Road, at its intersection with Quarry Road.

On both sides of Quarry Road, at its intersection with Rueck Road.

On the southwest side of Carl Street at its intersection with Charlotte Street.

On North Ridge Road at its intersection with Burroughs Road.

On East Ridge Road at its intersection with Burroughs Road.

On Burroughs Road at its intersection with Carl Street.

On the right side of Historic Court at its intersection with North Riebeling.

On the right side of Spring Terrace Court at its intersection with North Riebeling.

On the right side of North Riebeling at its intersection with Archview Court.

On the right side of Ritter Road at its intersection with East Locust Street.

On the right side of Clearwater Court at its intersection with East Locust Street.

On the right side of North Ferkel Street at its intersection with East Locust Street.

On the right side of the Columbia High School driveway at its intersection with Parkview Drive.

On the right side of Lakefield Drive at its intersection with Rueck Road.

On the right side of Sarah Street at its intersection with West Liberty Street.

On the right side of Wellington Drive at its intersection with Gall Road.

On the right side of Wellington Drive at its intersection with Burroughs Road.

On the right side of the unnamed street located approximately 342 feet west of Admiral Parkway, at its intersection with Edelweiss.

On both sides of West Jefferson Street at its intersection with South Rapp Avenue.

On both sides of South Rapp Avenue at its intersection with West Jefferson Street.

On both sides of Agnew Street at its intersection with St. Louis Street.

On both sides of Bradington Drive at its intersection with Forestview.

On the right side of Darwin Court at its intersection with Lakefield Drive.

On the right side of Melbourne Court at its intersection with Lakefield Drive.

On the right side of East Schneider Street at its intersection with South Ferkel Street.

On the right side of South Metter Street at its intersection with South Ferkel Street.

On both sides of South Ferkel at its intersection with Schneider Street.

On both sides of Westridge at its intersection with Wellington Drive,

On the right side of Burroughs Court at its intersection with Burroughs Road.

On the right side of Southport Drive at its intersection with Palmer Road.

Kunz Street at the intersection of Bottom Avenue.

On the right side of the Columbia National Bank front driveway at its intersection with Valmeyer Road.

On the right side of the Columbia National Bank rear driveway at its intersection with Valmeyer Road.

On the right side of Oakridge Drive at its intersection with Bottom

Avenue.

On the right side of Industrial Drive at its intersection with the southern extension of Rueck Road.

On the right side of Ritter Road at its intersection with East Locust Street.

On both sides of "DD" Road at its intersection with Bluff Road.

On the right side of the two driveways of the Columbia Lakes Apartments Parking Lot which intersect Columbia Lakes Drive.

On the right side of Ashlee Lane at its intersection with Ghent Road.

On both sides of "DD" Road at its intersection with Bluff Road, and on both sides of Bluff Road at its intersection with "DD" Road.

On the right side of Southwoods Drive at its intersection with Mark Drive.

On the right side of Columbia Lakes Drive at its intersection with Old State Route 3.

On the right side of Brookfield Court at both exits to Columbia Lakes Drive.

On the right side of Elmwood Court at its intersection with Columbia Lakes Drive.

On the right side of Clara Lane at its intersection with North Main Street.

On the right side of Clara Lane at its intersection with North Rapp Avenue.

On the right side of Redwood Lane at its intersection with "D" Road.

On both sides of Park Street at its intersection with Evergreen Drive.

On both sides of Evergreen Drive at its intersection with Park Street.

On the right side of Christina Court at its intersection with Ghent Road.

On the north side of Archview Drive at its intersection with East Locust Street (Ord. 1981 - 08/20/2001)

On the southeast side of East Locust Street at its intersection with Archview Drive (Ord. 1981 - 08/20/2001)

On the northeast side of East Locust Street at its intersection with Archview Drive (Ord. 1981 - 08/20/2001)

On the east side of Gedern Drive at its intersection with Quarry Road (Ord. 1981 - 08/20/2001)

On the south side of Ashlee Lane at its intersection with Ghent Road (Ord. 2096 - 10/21/2002) (Ord. 2096 RESCINDED 12/02/2002.

On the north side of Mark Drive at its intersection with Southwoods Drive (Ord. 2096 - 10/21/2002) (Ord. 2096 RESCINDED 12/02/2002.

On the east side of Ahna Court at its intersection with Ashlee Lane (Ord. 2108 - 12/02/2002)

On the north side of Mark Drive at its intersection with Southwoods Drive (Ord. 2108 - 12/02/2002)

On the north side of Armin Circle at its intersection with Gedern Drive (Ord. 2121 - 01/06/2003)

On the east side of Gedern Drive at its intersection with Quarry Road (Ord. 2121 - 01/06/2003)

In the northeast portion of the intersection of Sequoia at Blue Spruce Lane (Ord. 2121 - 01/06/2003)

In the southwest quadrant of Blue Spruce Lane at "D" Road (Ord. 2121 - 01/06/2003)

In the northeast quadrant of Blue Spruce Lane at "D" Road (Ord. 2121 - 01/06/2003)

In the northeast quadrant of Blue Spruce Lane at Pines Way (Ord. 2121 - 01/06/2003)

In the southwest corner of Blue Spruce Lane at Pines Way (Ord. 2121 - 01/06/2003)

In the southwest portion of Redwood Lane at Pines Way (Ord. 2121 - 01/06/2003)

In the southwest portion of Birchwood Court at Pines Way (Ord. 2121 - 01/06/2003)

In the northeast portion of White Pine Circle at Pines Way (Ord. 2121 - 01/06/2003)

In the northeast portion of Aspen Court at White Pine Circle (Ord. 2121 - 01/06/2003)

In the north portion of White Pine Circle at Aspen Court (Ord. 2121 - 01/06/2003)

In the northwest portion of Clover Ridge at Gilmore Lake Road (Ord. 2121 - 01/06/2003)

In the southwest portion of Country Ridge at Clover Ridge (Ord. 2121 - 01/06/2003)

In the northeast portion of Country Ridge at Clover Ridge (Ord. 2121 - 01/06/2003)

In the southwest portion of Sunset Court at Clover Ridge (Ord. 2121 - 01/06/2003)

In the northwest portion of Shadow Ridge at Country Ridge (Ord. 2121 - 01/06/2003)

In the northwest portion of Meadow Court at Country Ridge (Ord. 2121 - 01/06/2003)

In the southwest portion of Meadow Court at Gilmore Lake Road (Ord. 2121 - 01/06/2003)

In the southwest portion of West Wood Court at Clover Ridge (Ord. 2121 - 01/06/2003)

In the southwest portion of Clover Ridge at Shadow Ridge (Ord. 2121 - 01/06/2003)

On the north side of Kory Drive at its intersection with Columbia Lakes Drive (Ord. 2126 - 01/20/2003)

On the north side of Lake Shore Drive at its intersection with Columbia Lakes Drive (Ord. 2126 - 01/20/2003)

On the south side of Columbia Lakes Drive at its intersection with Robert Drive (Ord. 2126 - 01/20/2003)

On the right side of Douglas Fir Court at its intersection with White Pine Circle (Ord. 2150 - 03/17/2003)

On the right side of Alpine Court at its intersection with White Pine Circle (Ord. 2150 - 03/17/2003)

On the right side of Woody Court at its intersection with Lake Shore Drive (Ord. 2150 - 03/17/2003)

On the east side of Elizabeth Drive at its intersection with Gall Road (Ord. 2238 - 02/16/2004)

On the south side of Juliana Court at its intersection with Elizabeth Drive (Ord. 2238 - 02/16/2004)

On the west side of Webster Drive at its intersection with Gall Road (Ord. 2238 - 02/16/2004)

On the west side of Grant Drive at its intersection with Webster Drive (Ord. 2238 - 02/16/2004)

On the south side of Adam Lane at its intersection with Grant Drive (Ord. 2238 - 02/16/2004)

On the south side of Michelle Drive at its intersection with Rueck Road (Ord. 2238 - 02/16/2004)

On the east side of Russell Court at its intersection with Michelle Drive (Ord. 2238 - 02/16/2004)

On the south side of Terry Drive at its intersection with Russell Court (Ord. 2238 - 02/16/2004)

On both the north side and the south side of Prairie Run at its intersection with Shadow Ridge (Ord. 2238 - 02/16/2004)

On both the north side and the south side of Prairie Run at its intersection with Clover Ridge (Ord. 2238 - 02/16/2004)

On the south side of Prairie Run at its intersection with Timber Ridge (Ord. 2238 - 02/16/2004)

On the north side of Country Wood Court at its intersection with Clover Ridge (Ord. 2238 - 02/16/2004)

On both the north side and the south side of Shadow Ridge at its intersection with Clover Ridge (Ord. 2238 - 02/16/2004)

On the south side of Wood Field Court at its intersection with Timber Ridge (Ord. 2238 - 02/16/2004)

On the west or right side of the entrance road into Oerter Soccer Park at its intersection with Gall Road (Ord. 2319 - 01/24/2005)

On the right side of Rueck Road at its intersection with Rueck Parkway (Ord. 2341 - 03/21/2005)

On the right side of Rueck Parkway at its intersection with Rueck Road (Ord. 2341 - 03/21/2005)

On the right or west side of Heritage Street at its intersection with East Locust Street (Ord. 2374 - 07/05/2005)

On the right or East side of Palmer Creek Drive at it's intersection with Quarry Road (Ord. 2491 - 08/21/2006)

(Ordinance No. 2564 - June 4, 2007 - 39 New Stop Intersections)

“On the right side of Ogle Ridgeway at its intersection with Brellinger Street”

“On the right side of Frost Landing at its intersection with Brellinger Street”

“On the right side of Brellinger Street at its intersection with Rueck Parkway”

“On the right side of Stoll Court at its intersection with Brellinger Street”

“On the right side of Maxwell Drive at its intersection with Kahlua Court”

“On the right side of Clint Circle at its intersection with Maxwell Drive”

“On the right side of Maxwell Drive at its intersection with Carr Creek Drive”

“On the right side of Adam Lane at its intersection with Carr Creek Drive”

“On the right side of Webster Drive at its intersection with Carr Creek Drive”

“On the right side of Kahlua Court at its intersection with Adam Lane”

“On the right side of Adam Lane at its intersection with

Grant Drive”

“On the right side of Heritage Street at its west intersection with East Locust Street”

“On the right side of Derek Drive at its intersection with Dana Drive”

“On the right side of Amber Tree Court at its intersection with Rueck Road”

“On the right side of Golden Briar Lane at its intersection with Rueck Road”

“On the right side of Briar Lake Place at its intersection with Rueck Road”

“On the right side of Golden Briar Lane at its intersection with Autumn Rise Lane”

“On the right side of Briar Path Court at its intersection with Briar Lake Place”

“On the right side of Sienna Path at its intersection with Autumn Rise Lane”

“On the right side of Sienna Path at its intersection with Briar Lake Place”

“On both sides of Autumn Rise Lane at its intersection with Briar Lake Place” - Deleted by Ord. No. 3036 - May 20, 2013

“On the right side of Longview Drive at its intersection with Cherry Street”

“On the right side of Sunnyhill Lane Drive at its intersection with East Wood”

“On the right side of Sunnyhill Lane Drive at its intersection with Pioneer Ridge Drive”

“On the right side of High Ridge Drive at its intersection with Pioneer Ridge Drive”

“On the right side of East Wood at its intersection with High Ridge Drive”

“On the right side of Admiral Trost Road at its intersection with Valmeyer Road”

“On the right side of Parkway Drive at its intersection with Admiral Trost Road”

“On the right side of Kenrick Drive at its intersection with Robert Drive”

“On the right side of Robert Drive at its intersection with Overview Drive”

“On the right side of Robert Drive at its intersection with Micah’s Way”

“On both sides of Lake Shore Drive at its intersection with Micah’s Way”

“On both sides of Micah’s Way at its intersection with Lake Shore Drive” - Deleted by Ord. No. 2710 - February 16, 2009

“On the right side of Lake Side Drive at its intersection with Micah’s Way”

“On the right side of Lake Side Drive at its intersection with Lake Shore Drive”

“On both sides of Clover Ridge at its intersection with Shadow Ridge”

“On both sides of Shadow Ridge at its intersection with Clover Ridge”

“On both sides of Clover Ridge at its intersection with Prairie Run”

“On both sides of Prairie Run at its intersection with Clover Ridge”

"On the right side of Longview Drive at its intersection with Cherry Street"

"Micah's Way at its intersection with Lake Shore Drive"

"On the right side of Edward Drive at its intersection with Lake Shore Drive"

"On the right side of Jennifer Court at its intersection with Lake Shore Drive"

"On the right side of Lake Shore Drive at its intersection with Old IL Route 3"

"On the right side of Edward Drive at its intersection with Micah's Way"

"On the right side of Wernings Drive at its north and south intersection with Rueck Road"

"On the right side of Marien Drive at its north and south intersection with Wernings Drive"

"Autumn Rise Lane at its intersection with Briar Lake Place"

"On both sides of Palmer Road at its intersection with Fr. Carl Scherrer Drive (private roadway for Immaculate Conception Church)"

"On the southwest portion of West Legion Avenue at its intersection with West Bottom Avenue"

"On the right side of Justin Drive at its intersection with Charlotte

Avenue"

(Ord. 1845 § 1, 2000; Ord. 1790 § 1, 1999; Ord. 1778 § 1, 1999; Ord. 1766 § 1, 1999; Ord. 1642 § 1, 1997; Ord. 1634 § 1, 1997; Ord. 1628 § 1, 1997; Ord. 1627 § 1, 1997; Ord. 1620 § 1, 1997; Ord. 1608 § 1, 1997; Ord. 1565 § 1, 1997; Ord. 1534 § 1, 1996; Ord. 1289 § 1, 1994; Ord. 1274 § 1, 1994; Ord. 1259 § 1, 1994; Ord. 1244 § 1, 1994; Ord. 1212 § 1, 1993; Ord. 1086 § 1, 1992; Ord. 1035 § 1, 1992; Ord. 1019 § 1, 1992; Ord. 993 § 2, 1992; Ord. 992 § 1, 1992; Ord. 971 § 1, 1992; Ord. 963 § 1, 1991; Ord. 926 § 2, 1991; Ord. 925 § 1, 1991; Ord. 911 § 1, 1991; Ord. 886 § 1, 1991; Ord. 876 § 1, 1990; Ord. 874 § 1, 1990; Ord. 865 § 1, 1990; Ord. 797 § 1, 1989; Ord. 762 § 1, 1989; Ord. 732 § 1, 1989; Ord. 723 § 1, 1988; Ord. 711 § 1, 1988; Ord. 683 § 1, 1987; Ord. 678 § 1, 1987; Ord. 673A § 1, 1987; Ord. 610 § 1, 1985; Ord. 550 § 1, 1984; Ord. 530 § 1, 1983; Ord. 455 § 1, 1980; Ord. 445 § 1, 1979; prior code traffic schedule B)

(Ordinance No. 3650, Amended, 08/07/2023, Added Justin Drive at its intersection with Charlotte Avenue; Ordinance No. 3339, Amended, 08/07/2017, Added a stop intersection - Southwest portion of West Legion Avenue at its intersection with West Bottom Avenue.; Ordinance No. 3042, Added, 06/03/2013, Private roadway for IC Church ; Ordinance No. 3036, Amended, 05/20/2013, Deleted: "On both sides of Autumn Rise Lane at its intersection with Briar Lake Place" and added: "Autumn Rise Lane at its intersection with Briar Lake Place"; Ordinance No. 2788, Added, 05/17/2010, Added 3 stop intersections.; Ord. No. 2710, Amended, 02/18/2009, Deleted 1 stop intersection and added 4 stop intersections in Columbia Lakes Subdivision.; Ordinance No. 2620, Amended, 01/07/2008, On the right side of Longview Dr. at its intersection with Cherry St.; Ordinance No. 2564, Added, 06/04/2007, Added 39 New Stop Intersections; Ordinance No. 2491, Added, 08/21/2006, On the right or East side of Palmer Creek Drive at it's intersection with Quarry Road.; Ord. 2374, Amended, 07/05/2005, Added Stop Intersection. ; Ord. 2341, Added, 03/21/2005; Ord. 2319, Added, 01/24/2005, Added Stop Intersection; Ord. 2238, Added, 02/16/2004, Added 14 stop intersections.; 10.52.020 (Ord. 2150), Amended, 03/17/2003; 10.52.020 (Ord. 2126), Amended, 01/20/2003, Added 4 Stop Intersections.; 10.52.020 (Ord. 2121), Amended, 01/06/2003, Stop Intersections; 10.52.020 (Ord. 2108), Amended, 12/02/2002, ; 10.52.020 (Ord. 2096), Repealed, 12/02/2002, Ord. 2096 Rescinded 12/02/2002 and replaced with Ord. 2108.; 10.52.020, Amended, 10/21/2002, S. Side of Ashlee Lane at intersection with Ghent Road; N. Side of Mark Drive at intersection with Southwoods Drive.; 10.52.020 (Ord. 2096), Amended, 10/21/2002, S. Side of Ashlee Lane at intersection with Ghent Road; ; 10.52.020 (Ord. 1981), Amended, 08/20/2001)

Section 10.52.030 Schedule C--Yield intersections.

The following locations are designated as yield intersections and shall be so posted:

On Park Drive at the easterly entrance thereof to Evergreen Drive.

On Parkview Drive at the northerly entrance thereof to Evergreen Drive.

On Temple Street at the easterly entrance to Evergreen Drive. (Prior code traffic schedule C)

Section 10.52.040 Schedule D--One-way streets and alleys.

The following locations shall be designated as one-way streets and alleys and shall be so posted:

Westbound only:

Kunz Street from North Main Street to North Rapp Avenue.

Liberty from South Main Street to South Rapp Avenue.

Kunz Street from North Main Street to Bottom Avenue.

Liberty Street from South Main Street to South Rapp Avenue.

Eastbound only:

Legion Avenue from North Rapp Avenue to North Main Street.

McKee Street from Main Street to Metter Avenue.

Legion Avenue from Bottom Avenue to North Main Street.

McKee Street from Main Street to Metter Avenue.

Walnut Street from Main Street to Metter Avenue.

Southwesterly-bound only:

Kunz Street from Main Street to Legion Street. (Ord. 1288 § 1, 1994; Ord. 710 § 1, 1988; prior code traffic schedule D)

Southbound Only: Rapp Avenue from Parkview Drive to Temple Street.
(10.52.040 (Ord. 2295), Added, 10/04/2004)

Chapter 10.56**IMPOUNDMENT OF MOTOR VEHICLES****Sections:**

- 10.56.010** **Definitions.**
10.56.020 **Violations authorizing impoundment.**
10.56.030 **Seizure and impoundment.**
10.56.040 **Administrative hearing.**
10.56.050 **Disposition of impounded motor vehicle.**
10.56.060 **Motor vehicle possession.**
10.56.070 **Towing agency**
10.56.080 **Refund of administrative fee.**

Section 10.56.010 Definitions.

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

BUSINESS DAY. Any day in which the offices of City Hall are open to the public for a minimum of seven hours.

LEVEL 1 ADMINISTRATIVE FEE. Means and shall be \$500.

LEVEL 2 ADMINISTRATIVE FEE. Means and shall be \$250.

MOTOR VEHICLE. Every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, and motor scooters.

OWNER OF RECORD. The record title holder(s) of the motor vehicle as registered with the Secretary of State, State of Illinois; or if not registered in Illinois, the particular state where the motor vehicle is registered.

ADMINISTRATIVE HEARING OFFICER. Officer who is an attorney licensed to practice law in this State for a minimum of 3 years.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.020 Violations authorizing impoundment.

(A) Any motor vehicle, operated with the express or implied permission of the owner of record, that is used in connection with the following violations, shall be subject to seizure and impoundment by the city, and the owner of record of said motor vehicle shall be liable to the city for a Level 1 administrative fee, as provided for in this chapter, in addition to any towing and storage fees as hereinafter provided.

STATE STATUTE	VIOLATIONS
ILCS Ch. 625, Act 5, § 6-303	Driving while license revoked

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ILCS Ch. 625, Act 5, § 11-204	Fleeing or attempting to elude a peace officer
ILCS Ch. 625, Act 5, § 11-501	Driving under the influence of alcohol/drugs
ILCS Ch. 625, Act 5, § 11-503	Reckless driving or aggravated reckless driving
ILCS Ch. 625, Act 5, § 11-506	Street racing; aggravated street racing
ILCS Ch. 625, Act 5, § 11-601.5	Driving at 31 mph more, but less than 40 mph over the applicable speed limit - Class B misdemeanor; or driving 40 mph or more over the applicable speed limit - Class A misdemeanor
ILCS Ch. 720, Act 5, § 11-6	Indecent solicitation of a child
ILCS Ch. 720, Act 5, § 12-2	Aggravated assault
ILCS Ch. 720, Act 5, § 12-3.05	Aggravated battery
ILCS Ch. 720, Act 5, § 16-25	Retail theft of merchandise (exceeding \$300 in value)
ILCS Ch. 720, Act 5, § 18-1	Robbery
ILCS Ch. 720, Act 5, § 18-2	Armed robbery
ILCS Ch. 720, Act 5, § 19-1	Burglary
ILCS Ch. 720, Act 5, § 19-3	Residential burglary
ILCS Ch. 720, Act 5, § 20-1	Arson
ILCS Ch. 720, Act 5, § 20-1.1	Aggravated arson
ILCS Ch. 720, Act 5, § 20-2	Possession of explosives or incendiary devices
ILCS Ch. 720, Act 5, § 21-1	Criminal damage to property
ILCS Ch. 720, Act 5, § 25-1	Mob action
ILCS Ch. 720, Act 570, § 401	Manufacture or delivery of an unauthorized controlled substance
ILCS Ch. 720, Act 570, § 401.1	Controlled substance trafficking
ILCS Ch. 720, Act 570, § 402	Unauthorized possession under the Controlled Substances Act
ILCS Ch. 720, Act 550, § 4	Possession of more than 10 grams or any substances containing Cannabis
ILCS Ch. 720, Act 550, § 5	Manufacture or delivery of cannabis
ILCS Ch. 720, Act 55, § 5.1	Cannabis trafficking

ILCS Ch. 720, Act 550, § 5.2	Delivery of cannabis on school grounds
ILCS Ch. 720, Act 550, § 8	Unauthorized production or possession of cannabis sativa plant
ILCS Ch. 720, Act 5, § 24-1	Unlawful use of weapons
ILCS Ch. 720, Act 5, § 24-3.1	Unlawful possession of firearms and firearm ammunition
ILCS Ch. 720, Act 5, § 24-3.3	Unlawful sale or delivery of firearms on the premises of a school

(B) For any motor vehicle, operated with the express or implied permission of the owner of record, that is used in connection with any violation of federal, state, or local law that is not listed in division (A) of this section, including arrest warrants, which results in seizure and impoundment of the vehicle by the city, the owner of record of said motor vehicle shall be liable to the city for a Level 2 administrative fee, as provided for in this chapter, in addition to any towing and storage fees as hereinafter provided.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.030 Seizure and impoundment.

(A) Whenever a police officer has reason to believe that a motor vehicle is subject to seizure and impoundment pursuant to this chapter, the police officer shall provide for the towing of the motor vehicle to a facility approved by the city. This chapter shall not apply if the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered.

(B) The police officer shall notify any person identifying himself as the owner of the motor vehicle or any person who is found to be in control of the motor vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the motor vehicle owner's right to an administrative hearing to be conducted under this chapter.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.040 Administrative hearing.

(A) Within ten days after a motor vehicle is seized and impounded pursuant to this chapter, the city shall notify by personal service or by first class mail the owner of record, lessee, and all lien holders of record, of the right to a hearing, along with the date, time and location of the hearing, to challenge whether a violation of this chapter has occurred. The hearing date must be scheduled and convened no later than 45 days after the mailing of the notice, or issuance of the notice of hearing. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible.

(B) If, after the hearing, the hearing officer determines by a preponderance of the evidence that the impounded motor vehicle was used in a violation described in Section 10.56.020

of this chapter, then the hearing officer shall enter an order finding the owner of record of the motor vehicle liable to the city for the applicable administrative fee.

(C) If, after the hearing, the hearing officer does not determine by a preponderance of the evidence that the impounded motor vehicle was used in such a violation, the hearing officer shall enter an order finding for the owner and for the return of the motor vehicle, or the administrative fees if already paid.

(D) If the owner of record fails to appear at the hearing, the owner of record shall be deemed to have waived his or her right to a hearing. If the owner of record pays such administrative fee and the motor vehicle is returned to the owner, no default order need be entered if the owner was informed of his or her right to a hearing, in which case an order of liability shall be deemed to have been made when the city receives the written waiver.

(E) If a bond in the amount equal to the applicable administrative fee is posted with the Columbia Police Department, the impounded motor vehicle shall be released to the owner of record. The owner of the motor vehicle shall still be liable to the towing agent for any applicable towing fees.

(F) If an administrative fee is imposed for a violation described in Section 10.56.020 of this chapter, the bond will be forfeited to the city; however if a violation described in said section is not proven by a preponderance of the evidence, the bond will be returned to the person posting the bond. All bond money posted pursuant to this chapter shall be held by the city until the hearing officer issues a decision, or, if there is a judicial review, until the court of jurisdiction issues its order(s).

(G) All decisions of the administrative hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.050 Disposition of impounded motor vehicle.

An administrative fee imposed pursuant to this chapter shall constitute a debt due and owing the city. A motor vehicle impounded pursuant to this chapter shall remain impounded until:

(A) The administrative fee is paid to the city and all applicable towing fees are paid to the towing agent, in which case the owner of record shall be given possession of the motor vehicle;

(B) A bond in an amount equal to the applicable administrative fee is posted with the Columbia Police Department and all applicable towing fees are paid to the towing agent, at which time the motor vehicle will be released to the owner of record; or

(C) The motor vehicle is deemed abandoned in which case the motor vehicle shall be disposed of in the manner provided by law for the disposition of abandoned motor vehicles.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.060 Motor vehicle possession.

Any motor vehicle that is not reclaimed within 35 days after: 1) the expiration of the time during which the owner of record may seek judicial review of the city's action under this

chapter, or 2) the time at which a final judgment is rendered against an owner of record who is in default; may be disposed of as an unclaimed motor vehicle as provided by law; provided, however, that where proceedings have been instituted under state or federal drug asset forfeiture laws, the subject motor vehicle may not be disposed of by the city except as consistent with those proceedings.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.070 Towing agency

(A) It shall be the duty of the towing or storage company in possession of the impounded motor vehicle to obtain documentation issued by the Columbia Police Department confirming compliance with the foregoing requirements, and retain photocopies of that documentation in the company's files for a period of not less than six months following release of the motor vehicle. The foregoing information shall be made available to the authorities of the city for inspection and copying, upon request, by the towing or storage company. The towing or storage company is prohibited from releasing any motor vehicle towed and impounded pursuant to the provisions of this chapter until and unless the company obtains the documentation as aforesaid.

(B) The towing or storage company shall be entitled to receive a reasonable fee from the owner or person entitled to possession of any impounded motor vehicle prior to the release of the motor vehicle. The fee shall be to cover the cost of removing said motor vehicle and, in addition thereto, the cost of storage of said motor vehicle for each day or fraction thereof that said motor vehicle shall have remained stored.

(C) The fees in this section shall be in addition to any fee levied or assessed against the owner or operator of said impounded motor vehicle by reason of violation of any ordinance or statute and any arrest which may have resulted from such violation.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Section 10.56.080 Refund of administrative fee.

In the event a judgment of "Not Guilty" is entered by a court of competent jurisdiction on all underlying charges that could have resulted in the impoundment of a motor vehicle, then within 30 days of presentation of a certified copy of said judgment to the Columbia Police Department, any administrative fees or posted bonds obtained by the city shall be refunded to the paying party.

(Ordinance No. 2953, Added, 05/21/2012, New Ordinance for Vehicle Impoundment.)

Title 11

(RESERVED)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04	STREETS AND SIDEWALKS GENERALLY
12.05	TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE
12.08	DRIVEWAYS
12.12	EXCAVATIONS
12.16	STANDARDS FOR STREETS IN ANNEXED TERRITORY
12.18	ROLLER BLADING AND ROLLER SKATING
12.19	SKATEBOARDING
12.20	HANDBILLS
12.24	SIGNS AND AWNINGS
12.28	TREES AND SHRUBS
12.32	CITY PARKS
12.33	SPECIAL EVENTS

Chapter 12.04**STREETS AND SIDEWALKS GENERALLY****Sections:**

12.04.010	Supervision.
12.04.020	Construction--Permit required.
12.04.030	Bond.
12.04.040	Specifications.
12.04.050	Injury to pavements.
12.04.060	Repairs.
12.04.070	Poles and wires.
12.04.080	Gas pumps.
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Section 12.04.010 Supervision.

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the superintendent of maintenance. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances. (Prior code § 33-1-1)

Section 12.04.020 Construction--Permit required.

It is unlawful to construct or lay any pavement, curbing or guttering on any public street, sidewalk, alley or other public way, or to repair the same without having first secured a permit therefor. Applications for such permits shall be made to the city clerk on appropriate application forms furnished by the city, and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued, except by the building inspector. (Prior code § 33-1-2)

Section 12.04.030 Bond.

Each applicant may be required to file a bond, in an amount specified by the city council, with sureties to be approved by the city council, conditioned to indemnify the city from any loss or damage resulting from the work undertaken or the manner of doing the same. (Prior code § 33-1-3)

Section 12.04.040 Specifications.

All street and sidewalk pavement shall be made in conformity with the city's standard specifications approved from time to time by the city council. (Prior code § 33-1-4)

Section 12.04.050 Injury to pavements.

It is unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly injure any street, sidewalk or alley pavement. (Prior code § 33-1-5)

Section 12.04.060 Repairs.

All public streets, alley and sidewalk pavement shall be in good repair. All repair work to public streets, alleys, and sidewalk pavement, whether done by the city or property owner, shall be in good repair. Such repair work, whether done by the city or the abutting owner, shall be under the supervision of the superintendent of maintenance. (Prior code § 33-1-6)

Section 12.04.070 Poles and wires.

It is unlawful to erect any poles or wires or to maintain any poles or wires over any public place, street, alley or other public way without having secured permission from the city council. (Prior code § 33-1-7)

Section 12.04.080 Gas pumps.

It is unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk. (Prior code § 33-1-8)

Section 12.04.090 Openings.

It is unlawful to construct or maintain any opening or stairway in any public street or alley or sidewalk or other public place without a permit from the city council.

All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the superintendent of maintenance. (Prior code § 33-1-9)

Section 12.04.100 Barbed wire fences--Electric current fences.

It is unlawful to maintain or construct any fence composed in whole or part of barbed wire, or with any similar materials, designed to cause injury to person, or any wire charged with electrical current anywhere within the city, except in zoned agricultural areas, provided, however, barbed wire used as protection for industrial property shall be at least six feet above the

sidewalk and extend inward of property. (Prior code § 33-1-10)

Section 12.04.110 Deposit on streets.

It is unlawful to deposit on any street any material which may be harmful to the pavement thereof, or any waste material, or any glass, or other articles which may cause injury to any person, animal or property. (Prior code § 33-1-11)

Section 12.04.120 Deposits on sidewalks.

It is unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other article which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery; provided, that the usable width of the sidewalk is not thereby reduced to less than four feet; and provided that no such article shall remain on such walk for more than one-half hour. (Prior code § 33-1-12)

Section 12.04.130 Solicitation of contributions on highways.

No person, (as defined in the Illinois Revised Statutes, Chapter 95 1/2, Section 1-159, to include every natural person, firm, co-partnership, association or corporation) shall stand on a highway in the city (as defined in the Illinois Revised Statutes, Chapter 95 1/2, Section 1-126, to include the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel), for the purpose of soliciting contributions from the occupants of any vehicle, except as follows:

A. Solicitation on highways within the city shall be allowed only at intersections where all traffic is required to come to a full stop.

B. The soliciting agent shall be:

1. Registered with the attorney general as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor," approved July 26, 1963, as amended (Illinois Revised Statutes, Chapter 23, Section 5101, et. seq.);

2. Engaged in a state wide fund raising activity; and

3. Liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

C. Any natural person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a highly visible vest. (Ord. 469 § 1, 1980: prior code § 33-1-16)

Section 12.04.140 View at corners.

It is unlawful to construct, or maintain or permit to remain, any fence or other structure, or any bushes or other plants, on a corner lot within fifteen (15) feet of the street line, which obstructs the view, at a height of more than four feet above the level of the adjacent street pavement. (Prior code § 33-1-14)

Section 12.04.150 Prohibition of travel.

It is unlawful for any person, firm or corporation to use any street or alley for travel by vehicles unless such street or alley is improved for the purpose of such travel or is otherwise declared open for such purposes by the city council. (Prior code § 33-1-15)

Section 12.04.160 Sidewalk replacement program.

- A. The Property Owner should contact the City Engineer in the Department of Public Works for a program application.
- B. The Property Owner should return the completed application to the City Engineer.
- C. The City Engineer will review the application for completeness and conduct a site inspection to verify that the proposed project is eligible for program funding and that program funding is available.
- D. Once it's determined that the proposed project is eligible and funding is available, the completed application will be returned to the Property Owner.
- E. The Property Owner shall submit three (3) qualified bids of estimated project costs from contractors, along with the application, to the City Engineer.
- F. The application, and the three (3) bids, will then be referred to the City Council for review and Council approval of one (1) of the bids.
- G. The Property Owner shall submit a deposit to the City in the amount of one-half (1/2) of the approved bid and notify the City Engineer when work will begin.
- H. The Property Owner shall coordinate project construction with the contractor submitting the approved bid in conjunction with the City's Department of Public Works.
- I. After construction has been completed and it has been inspected and accepted by the City's Department of Public Works, an invoice can be submitted for the amount of the approved bid along with any adjustments due to estimated vs. actual quantities used during project construction.
- J. The City shall refund the Property Owner their one-half (1/2) of the approved bid amount (submitted as a deposit pursuant to G. herein), and the balance of the project construction costs, but no more than one-half (1/2) of the total of the project construction costs (including any adjustments due to estimated vs. actual project construction quantities), will be paid to the Property Owner from the City's Sidewalk Replacement Program funds.
- K. Sidewalk Replacement Program funds can be used to replace pre-existing sidewalk(s), curb(s) and/or driveway entrances or to construct

new sidewalk(s), curb(s) and/or driveway entrances in areas of the City that have already been developed.

BELOW WAS AMENDED BY ORDINANCE NO. 2807 ON 09/20/2010

- A. Resident contacts the city engineer, department of public works, for an application.**
- B. Resident returns the completed application to the city engineer.**
- C. City engineer reviews application for completeness and conducts site inspection to verify application is program eligible.**
- D. Completed application is forwarded to the contractor.**
- E. Contractor gives estimate to applicant.**
- F. Applicant makes payment of fifty (50) percent of estimate to City Clerk's Office.**
- G. Upon receipt of the applicant's half of the estimate, the city engineer will contact and instruct the contractor to begin work.**
- H. If at any time during the process, prior to the payment of fifty (50) percent of the estimate, the applicant prefers not to become involved in the 50/50 sidewalk program, he/she is not obligated to participate.**
- I. The sidewalk replacement program is to be used to replace pre-existing sidewalk, curb, and/or driveway entrances or to construct new sidewalk, curb, and/or driveway entrances in already developed areas of the City. (Ord. 1750 § 1, 1999) Amended by Ord. 2807 on 09/20/2010**

(Ordinance No. 2807, Amended, 09/20/2010, Amended Chapter 12.04.160 Sidewalk Replacement Program.; Ordinance No. 2668, Amended, 07/07/2008, Amended I of Sidewalk Replacement Program.; Ordinance No. 2668, Amended, 07/07/2008, Amended I. of Sidewalk Replacement Program.)

Section 12.04.170 Applicability; Preemption.

A. Applicability. Except as provided for herein, and where limited by applicable law, this Chapter shall apply to all Excavations and all use, construction, operation, and Maintenance of Facilities or structures in the Rights-of-Way of the City. No Person shall commence or continue with the operation of any Facilities or structures in the Rights-of-Way except as provided and in compliance with this Chapter. Because numerous types of users and uses of the Rights-of-Way may be subject to various or changing regulatory schemes under federal or state law, any such limitation or qualification that may be applicable to less than all users and uses of the Rights-of-Way are not duplicated herein, but are nevertheless incorporated herein, whenever application is so required by law, including but not limited to applicable provisions of state and federal law.

B. Preemption. No provision of this Chapter shall apply to any circumstance in which such application shall be unlawful under

superseding federal or state law and furthermore, if any Section, Subsection, subdivision, sentence, clause, phrase, or portion of this Chapter is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

(Ord. No. 3425, Added, 08/20/2018, Added new Sections.)

Section 12.04.180 Definitions.

For purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended.

ABANDONED FACILITIES: Any equipment materials, apparatuses, devices, or Facilities that are:

- 1) Declared abandoned by the owner of such equipment or Facilities,
- 2) No longer in active use for a period of six months or more, and the owner of such equipment or Facilities fails to respond within thirty (30) days to a written notice sent by the City,
- 3) The owner allows a Franchise, License, or other written authorization to expire and fails to cure within thirty (30) days after notice, or
- 4) As otherwise may be defined by applicable law.

AGL (Above Ground Level): Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty feet (50') from the center location of measurement.

ANTENNA: Any device that transmits and/or receives wireless radio waves for voice, data, or video communications purposes including, but not limited to, television, AM/FM radio, texts, microwave, cellular telephone, and similar forms of communications. The term shall exclude satellite earth station antenna less than two (2) meters in diameter (mounted within twelve

feet (12') of the ground or building-mounted) and any receive-only home television antenna.

APPLICANT: Any Person who has applied for a Franchise, License, ROW Permit, or any permit or other authorization to install, maintain, repair, or otherwise physically access Facilities in the ROW.

CABINET: A structure for the protection and security of communications equipment associated with one (1) or more Antenna where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet (4') by six feet (6'), and vertical height that does not exceed six feet (6').

CITY UTILITY POLE: A Utility Pole owned or operated by the City in public Rights-of-Way.

DIRECTOR: The Director of Public Works or his/her designee or official acting in such capacity.

EXCAVATION, EXCAVATING, or EXCAVATE: Any act by which earth, asphalt, concrete, sand, gravel, rock, or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment, or explosives, except as excluded by applicable law.

EXCAVATION PERMIT: A permit authorizing Excavation for the construction or installation of Facilities in the City's Rights-of-Way.

FAA: The Federal Aviation Administration.

FACILITY or FACILITIES: Any equipment, installation, or structure located in the Rights-of-Way, including without limitation, cables, wires, lines, poles, towers, Antenna, conduit facilities, vaults, pedestals, transmitters, meters, fiber, foundations, and any other equipment, infrastructure, structures, or obstruction. Facilities shall not include mailboxes, lawful vehicular parking, or use of lawful minor incidental uses such as driveway aprons, private utility connections, or other incidental Facilities which may be permitted by License issued by the Director as provided herein.

FACILITIES MAINTENANCE OR MAINTENANCE: The construction, installation, repair, upgrade, or other physical access to the Facility in the Rights-of-Way that does not involve Excavation.

FACILITIES MAINTENANCE PERMIT: A permit issued by the City for the ROW User to provide Maintenance to its Facilities or otherwise perform work in the ROW that does not involve Excavation but requires physical access to the Facilities in the ROW.

FCC: The Federal Communications Commission.

FRANCHISE or *FRANCHISE AGREEMENT*: A binding and accepted ordinance for certain ROW Users to occupy the Rights-of-Way for the purpose of providing, transporting, or distributing electricity, gas, water, steam, lighting, energy, cable, telecommunications, sewer, or any other service to any Person or area in the City's limits and boundaries.

LICENSE: The executed agreement between the City and a Person to use and occupy the Rights-of-Way for the purpose of installing incidental temporary Facilities within the Rights-of-Way or incidental uses such as ingress and egress Facilities, lateral utility lines, or driveway aprons.

PERSON: An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

RATE: A recurring charge.

RIGHTS-OF-WAY OR "ROW": The area on, below, or above a public roadway, highway, street, or alleyway in which the City has an ownership interest or right of management, and including such adjacent areas within such public ways within such City control, except as may be limited by applicable law.

RIGHTS-OF-WAY (OR "ROW") PERMIT: An Excavation Permit and/or a Facilities Maintenance Permit.

RIGHTS-OF-WAY (OR "ROW") USER: All Persons and entities, whether an Illinois Commerce Commission registered entity or otherwise, owning, controlling, leasing, maintaining, using, or installing Facilities in

the Rights-of-Way of the City, not otherwise expressly exempted. ROW User shall also include any entity defined by the Small Wireless Act as “Wireless Provider”. To the extent permitted by law, ROW User shall not include the City.

SHELTER: A building for the protection and security of communications equipment associated with one (1) or more Antenna and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected Antenna is prohibited.

SMALL WIRELESS ACT: Public Act 100-0585, otherwise known as the Small Wireless Facilities Deployment Act.

SMALL WIRELESS FACILITY: A Wireless Communications Facility that meets both of the following qualifications:

A. Each Antenna is located inside an enclosure of no more than six cubic feet (6 ft³) in volume or, in the case of an Antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet (6 ft³); and

B. All other wireless equipment attached to a Utility Pole or Support Structure, associated with the Small Wireless Facility, is cumulatively no more than twenty-five cubic feet (25 ft³) in volume, calculated to the extent permitted by applicable law.

SUPPORT STRUCTURE: A free-standing structure such as a billboard or other structure designed to, or capable of, supporting Wireless Communications Facilities. A *Support Structure* shall not include a Utility Pole.

UTILITY POLE: A pole or similar structure that is used in whole or in part by a ROW User or for electric distribution, lighting, or traffic control. *Utility Pole* shall not include a Support Structure.

WIRELESS COMMUNICATIONS FACILITY: Any Antenna, Small Wireless Facility, Cabinet, Shelter, and Support Structure and associated equipment thereto.

(Ord. No. 3425, Added, 08/20/2018, New Sections Added.)

Section 12.04.190 Franchise, License Required; General Requirements.

A. Franchise Agreement or License Required. Except where otherwise authorized or required by applicable law, no Person may own, control, lease, maintain, use, or install Facilities in the Rights-of-Way without a valid Franchise or License with the City as provided herein and as follows:

1. Franchise. A Franchise shall be obtained in conformance with all applicable Franchise procedures for any Rights-of-Way User seeking to use the Rights-of-Way for the purpose of providing, transporting, or distributing electricity, gas, water, steam, lighting, energy, cable, telecommunications, sewer, or any other service, or to place any Facilities into the Rights-of-Way as infrastructure for another ROW User, to the extent permitted by applicable law, to any Person or area within the City's limits and boundaries.

2. License for Incidental Uses. Persons desiring to install an incidental use, which includes installation of temporary structures or minor incidental uses in the Rights-of-Way, such as driveway aprons, ingress or egress facilities, and similar incidental uses, that utilize a small area of the Rights-of-Way and serves the principal structure, may be permitted without a Franchise Agreement pursuant to a License issued by the Director. The Director shall have discretion to establish such application, application fee, requirements, and conditions applicable to such uses consistent with the purposes of this Chapter or as otherwise established by law. Any Person granted a License hereunder shall be subject to the applicable requirements of this Chapter. Unless otherwise stated in the License, a License shall be for an indefinite term and shall be revocable at any time on written notice in the public interest by the City.

B. Grant and Nature of Approval; Terms and Compensation. The authority granted by the City in any Franchise Agreement or License shall be for non-exclusive use of the Rights-of-Way. Such

grant does not in any way limit the continuing authority of the City through the proper exercise of its statutory powers to adopt and enforce ordinances necessary to provide for the health, safety, and welfare of the public. The City specifically reserves the right to grant, at any time, such additional Franchise Agreements or other rights to use the Rights-of-Way for any purpose and to any other Person, including itself, as it deems appropriate, subject to all applicable laws. The granting of any Franchise or License by the City shall not be deemed to create any property interest of any kind in favor of the ROW User, nor shall it create any relationship of agency, partnership, joint venture, or employment between the parties. Licenses may be approved by the Director on a non-discriminatory basis provided that the Person is in compliance with all applicable requirements. Each Franchise Agreement and License shall include terms of use and be deemed to incorporate the terms of this Chapter and other applicable laws of the City, except as may be expressly stated in such Franchise or License. The City may require compensation for use of the Rights-of-Way or other public property as may be reasonably required by the City Council, subject to applicable law.

C. Condition Precedent to Right-of-Way Permit. Unless otherwise required by applicable law, no Right-of-Way permit may be issued unless such person has a valid Franchise Agreement or License with the City that authorizes that Person's use of the Rights-of-Way. Unless prohibited by applicable law, in addition to any other reason provided herein, the Director may deny a ROW Permit to any Person that does not have a valid Franchise or License with the City.

D. Transferability. Except as provided in this Chapter or as otherwise required by law, no Franchise, License, or ROW Permit may be transferred or assigned without the written application to and consent of the City based on the requirements and policies of this Chapter. The City shall not unreasonably withhold its consent as provided herein, but any costs incurred shall be paid by the ROW User to the extent not prohibited by applicable law. In the case of the City granting consent to transfer, the transferee shall be subject to the terms and conditions of this Chapter, and all terms and conditions of such transferred Franchise, License, or ROW Permit.

E. No Warranties. The City makes no express or implied representation or warranty regarding its rights to authorize the installation or construction of Facilities on any particular segment of Rights-of-Way and shall not be liable for any damage therefrom. The burden and responsibility for making all such determinations in advance of construction or installation shall be entirely upon the Rights-of-Way User. The Rights-of-Way User shall be solely liable for any damages to Facilities or other property due to excavation or other Right-of-Way work performed prior to obtaining the location of all Facilities within the work area. The Rights-of-Way User shall not make or attempt to make repairs, relocation, or replacement of damaged or disturbed Facilities without the approval of the owner of the Facilities.

F. Use of City or Third-Party Facilities. Unless otherwise specified in such Franchise or License, no Franchise Agreement or License shall grant the right to use Facilities owned or controlled by the City or a third party, and no such use shall occur, without the express written consent of such party (on file with the City and subject to other applicable requirements), nor shall any Franchise Agreement or License excuse such Person from first obtaining a pole attachment agreement or other express consent (which may be expressly provided for in a Franchise) for such right or use before locating on the Facilities controlled or owned by the City or a third party.

G. Lease Required for Public Lands. Unless otherwise provided, use or installation of any Facilities in non-Rights-of-Way public property of the City shall be permitted only if a lease agreement or other separate written approval has been negotiated and approved by the City with such reasonable terms as the City may require, and subject to all applicable City Ordinances and Illinois statutes.

H. No Cause of Action Against the City. A Rights-of-Way User shall have no damages remedy or monetary recourse whatsoever against the City for any loss, cost, expense, or damage arising from any of the provisions or requirements of any Franchise Agreement or License, or other written authorization or because of the enforcement thereof by said City, or from the use of the Rights-of-Way. Nothing herein shall preclude the Rights-of-Way User from seeking

injunctive or declaratory judgment relief against the City where such relief is otherwise available and the requirements therefor are otherwise satisfied.

I. Compliance with Laws. Each Rights-of-Way User shall comply with all applicable federal and state laws and regulations and rules as well as all City ordinances, resolutions, rules applicable building fire, electrical, plumbing, and mechanical codes and the local amendments thereto, and regulations heretofore and hereafter adopted or established. Rights-of-Way Users shall at all times be subject to the lawful exercise of the police powers of the City, including but not limited to all police powers regarding zoning, supervision of the restoration of the Rights-of-Way, building and safety regulations, and control of the Rights-of-Way. Installation of all Facilities in the Rights-of-Way are subject to and must be in compliance with all zoning, safety, and building code requirements. For applications for installation of wireless Facilities in the Rights-of-Way, (1) the most restrictive adjacent underlying zoning district classification shall apply, to the extent permitted by applicable law, unless otherwise specifically zoned and designated on the official zoning map, and (2) no application shall be submitted for approval without attaching the City's consent to use the Rights-of-Way for the specific construction application.

J. Indemnification. Every Rights-of-Way User, as a condition of use of the Rights-of-Way, shall at its sole cost and expense fully indemnify, protect, defend (with counsel for the City acceptable to the City), and hold harmless the City, its municipal officials, officers, employees, and agents, from and against any and all claims, demands, suits, proceedings, and actions, liability, and judgment by other Persons for damages, losses, costs, and expenses, including attorney fees, arising, directly or indirectly, in whole or in part, from the action or inaction of the Rights-of-Way User, its agents, representatives, employees, contractors, subcontractors, or any other Person for whose acts the Rights-of-Way User may be liable, in constructing, operating, maintaining, repairing, restoring, or removing Facilities, or use of the Rights-of-Way or the activities performed, or failed to be performed, by the Rights-of-Way User under this Chapter or applicable law, or otherwise, except to the extent arising from or caused by the sole or gross negligence or willful

misconduct of the City, its elected officials, officers, employees, agents, or contractors. Nothing herein shall be deemed to prevent the City, or any agent from participating in the defense of any litigation by their own counsel at their own expense. Such participation shall not, under any circumstances, relieve the Person from the duty to defend against liability or its duty to pay any judgment entered against the City or its agents. A ROW User shall also waive any claims that they may have against the City or its agents with respect to any damages, however caused, based on any theory of liability or other culpability. This indemnification shall survive the expiration or termination of any Franchise, License, or ROW Permit.

K. Liability Insurance. Except as provided in this Chapter, each Rights-of-Way User shall provide, at its sole expense, and maintain during the term of a Franchise, commercial general liability insurance with a reputable, qualified, and financially sound company licensed to do business in the State of Illinois, and unless otherwise approved by the City, with a rating by A. M. Best of not less than "A," that shall protect the Rights-of-Way User, the City, and the City's officials, officers, and employees from claims which may arise from operations under a Franchise, whether such operations are by the Rights-of-Way User, its officers, directors, employees and agents, or any subcontractors of the Rights-of-Way User. This liability insurance shall include, but shall not be limited to, protection against claims arising from bodily and personal injury and damage to property, resulting from all Rights-of-Way User operations, products, services, or use of automobiles, or construction equipment, and shall also include workers' compensation insurance as required by Illinois law, and property insurance for all ROW User's property for its property's replacement cost against all risks. The amount of insurance for single limit coverage applying to bodily and personal injury and property damage shall in no event be less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, with respect to its activities on the City's improvements or Rights-of-Way to afford minimum protection limits consistent with its requirements of other ROW Users' use of the ROW, including coverage for bodily injury and property damage. An endorsement shall be provided which states that the City is listed as an additional insured, that the insurer shall owe to the City a

duty to defend the City for any and all claims related to the insured's operation of Facilities or other structures within the City, and stating that the policy shall not be cancelled or materially modified so as to be out of compliance with the requirements of this Section, or not renewed without thirty (30) days' advance written notice of such event being given to the Director.

If the Person is self-insured to the satisfaction of the City, it shall provide the City proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts. The City reserves the right to waive any and all requirements under this Subsection when deemed to be in the public interest. A copy of the liability insurance certificate, or other proof of compliance if otherwise requested by the City, shall be delivered by the Rights-of-Way User to the City Clerk.

L. Rights-of-Way User Responsible for Costs. The Rights-of-Way User shall be responsible for all reasonable costs borne by the City that are directly associated with Rights-of-Way User's installation, Maintenance, repair, operation, use, and replacement of its Facilities in the Rights-of-Way that are not otherwise accounted for as part of a permit fee, to the extent permitted by law. All such costs shall be itemized and the City's books and records related to these costs shall be made available upon request of the Rights-of-Way User.

M. Use of Existing Facilities Required; Exceptions. All new Facilities or structures shall collocate on available existing poles or within existing conduit, trenches, or other Facilities to minimize unnecessary use of Rights-of-Way space, reduce potential existing or future interference and obstructions, and to reduce the cost to the public or others therefrom, and to maximize the public's ability to use and license appropriate private or public uses of the Rights-of-Way in the public interest (except where preempted by law or where good cause is established as determined by the City applying these objectives). Where existing poles or Facilities are available, or exist at or near the proposed use, unless otherwise approved, the Applicant must either use such Facilities or file a written request verified by the Applicant for exception specifying the specific reasons why such Facilities are not available or feasible to be

used and addressing the objectives hereof.

N. Subordinate Use. The ROW User's use shall be, in all situations, subordinate and subject to public municipal use. In situations where multiple users are in the same location, first the municipal use shall have priority followed by Persons with a valid and current Franchise or License with the City, followed by all others.

O. No Interference. Every ROW User shall construct and maintain its Facilities so as not to interfere with other users of the Rights-of-Way. The ROW User shall not interfere with or alter the Facilities of the City or other ROW User without their consent and shall be solely responsible for such. Except as may otherwise be provided or as determined by the Director, the ROW User shall, prior to commencement of work, execute a City-approved resident-notification plan to notify residents affected by the proposed work. All construction and maintenance by the ROW User or its subcontractors shall be performed in accordance with industry standards. All Facilities and other structures shall be installed and located to cause minimum interference with the rights and convenience of property owners, ROW Users, and the City. Facilities and other structures shall not be placed where they will disrupt or interfere with other Facilities, structures, or public improvements or obstruct or hinder in any manner the various utilities serving the residents and businesses in the City or public improvements. Above-ground Facilities, where permitted, shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise. When reasonable and necessary to accomplish such purposes, the Director may require as alternatives to the proposed work either less disruptive methods or different locations for Facilities consistent with applicable law. To the extent permitted by applicable law, failure to remedy the interference as required by this Subsection shall constitute a public nuisance.

P. Forfeiture of Franchise and Privilege. In case of failure on the part of the ROW User, including its successors and assigns, to comply with any of the provisions of this Chapter or a Franchise or License, or if the ROW User, its successors and assigns should do or cause to be done any act or thing prohibited by or in violation of this Chapter or the terms of the authorization of such use,

or otherwise loses authority to provide its service in the City, the ROW User, its successors and assigns shall forfeit all rights and privileges permitted by any Franchise or License, and all rights hereunder shall cease, terminate, and become null and void, provided that said forfeiture shall not take effect until the City shall carry out the following proceedings: Before the City declares the forfeiture or revocation of a Franchise or License, it shall first serve a written notice upon the Person setting forth in detail the neglect or failure complained of, and the Person shall have thirty (30) days thereafter, or such other reasonable period established by the Director, in which to cure the default by complying with the conditions of the such Franchise or License and fully remedying any default or violation. If at the end of such period, the City determines that the conditions have not been complied with and that the Person did not reasonably and in the public interest require more than the established time to cure the default, the City shall take action by an affirmative vote of the City Council present at the meeting and voting to terminate the Franchise or License, setting out the grounds upon which said authorization is to be forfeited or revoked. Nothing herein shall prevent the City from invoking any other remedy or from declaring immediate forfeiture where the default is incapable of being cured by the ROW User, including where such defaults or violations have repeatedly occurred.

Q. No Waiver. No action or omission of the City shall operate as a future waiver of any rights of the City under this Chapter. Except where rights are expressly granted or waived by a ROW Permit, Franchise, or License they are reserved, whether or not expressly enumerated.

(Ord. No. 3425, Added, 08/20/2018, Added New Sections.)

Section 12.04.200 Application for Franchise Required.

A. Application Form. An application for a Franchise Agreement, shall be provided to the City on City forms and shall include all such information as is required by this Section and as determined necessary by the Director. The ROW User shall be responsible for accurately maintaining the information in the application during the term of any Franchise and shall be responsible for all costs incurred by

the City due to the failure to provide or maintain as accurate any application information required herein.

B. *Application Deposit Fee.* To the extent permitted by applicable law, an application deposit of \$500.00, or as otherwise determined by the Director, is hereby established and shall be submitted with the application, which shall be utilized to at least partly offset the City's costs in reviewing and issuing a Franchise, consistent with applicable law; any amount not used by the City for its actual lawfully reimbursable costs will be refunded upon request after execution of a Franchise. If applicable, the Applicant shall be obligated to reimburse the City for its reasonable expenses associated with the review, negotiation, and adoption of an appropriate Franchise Agreement that may reasonably exceed the application deposit amount.

C. *Standard for Approval or Renewal.* In reviewing an application for a new or renewal Franchise, the City may consider prior conduct of the Person in performance of its obligations or compliance with the City's ordinances in the past, or the existence of any outstanding violations or deficiencies. The City may deny or condition any Franchise where the proposed use would interfere with the public use of the Rights-of-Way or otherwise conflict with the legitimate public interests of the City to fulfill the requirements and objectives of this Chapter or as otherwise provided by law. All Franchises shall be approved by ordinance or resolution of the City Council and applications shall be decided on a non-discriminatory basis and shall be approved, conditioned, or denied based on compliance with all applicable requirements herein, and conformance with applicable law and the public interest.

D. *Approval Process.* After submission by the Applicant of a duly executed and completed application, deposit fee, and executed Franchise as may be provided by the Director or as modified by the Director in review of the specific circumstances of the application, all in conformity with the requirements of this Chapter and all applicable laws, the Director shall submit such Franchise to the City Council for approval. Upon determining compliance with this Chapter, the City Council may authorize execution of the Franchise (or a modified agreement otherwise acceptable to the City consistent

with the purposes of this Chapter) and such executed Franchise shall constitute consent to use the Rights-of-Way; provided that nothing herein shall preclude the rejection or modification of any executed Franchise submitted to the City to the extent applicable law does not prohibit such rejection or modification, including where necessary to reasonably and in a uniform or non-discriminatory manner reflect the distinct engineering, construction, operation, Maintenance, public work, or safety requirements applicable to the Person or use.

(Ord. No. 3425, Added, 08/20/2018, New Sections added.)

Section 12.04.210 Location, Design, and Mapping of Facilities.

A. Review Required. The design, location, and nature of all Facilities shall be subject to the review and approval of the Director. Such review shall be on a non-discriminatory basis in application of

City policy and approvals shall not be unreasonably withheld, to the extent permitted by applicable law. City height limitations, applicable zoning restrictions, and general City policies with regard to all users of the Rights-of-Way shall also be applicable to all Facilities. The Director may establish such regulations or policies as may be deemed necessary or appropriate to affect this provision.

B. Underground Facilities Required; Exceptions. No Person may erect, construct, or install new Utility Poles or other Facilities above the surface of the Rights-of-Way without the written permission of the City based on good cause established by Applicant and found by the City, unless the City's authority has been pre-empted by state or federal law. Good cause may be shown by demonstrating the following:

1. There exists other Utility Poles or Support Structures, proximate to the area, that are located above ground. For purposes of showing good cause under this factor, evidence of good cause for new Utility Poles shall only be compared to existing Utility Poles, evidence of good cause for new Support Structures shall only be compared to existing Support Structures;

2. The proposed underground installation is impossible,

impractical, or not technically feasible; or

3. When, in the City's judgment, the proposed Utility Pole installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the proximate area without adversely affecting safety.

Where reasonable and appropriate and where adequate Rights-of-Way exists, the ROW User shall place above-ground Facilities underground in conjunction with City capital improvement projects and/or at specific locations requested by the City provided that such placement is practical, efficient, and economically feasible. The requirements in this Subsection B shall not prohibit the replacement of existing Utility Poles.

C. Use of Existing Poles/Facilities Required; Exceptions. All new Facilities or structures shall collocate on existing Utility Poles or within existing conduit, trenches, or other Facilities to minimize unnecessary use of Rights-of-Way space, reduce potential existing or future interference and obstructions, and to reduce the cost to the public or others therefrom, and to maximize the public's ability to use and license appropriate private or public uses of the Rights-of-Way in the public interest (except where preempted by law or where good cause is established as determined by the City applying these objectives). To the extent permitted by applicable law, where existing Utility Poles or Support Structures are available, or exist at or near the proposed use, unless otherwise approved, the Applicant must either use such Facilities or file a written request verified by the Applicant for exception specifying the specific reasons why such Facilities are not available or feasible to be used, and also the costs associated with utilizing such existing Facilities.

D. Wireless Antennas and Facilities. Pursuant to City authority to properly manage the limited space in the City's Rights-of-Way, minimize obstructions and interference with the use of the Rights-of-Way by the public, and to ensure public safety, preserve property values, while also seeking to facilitate delivery of broadband technologies to City residents and businesses, Wireless Communications Facilities shall be permitted in the Rights-of-Way only

in compliance with the requirements applicable to other Facilities and users in the Rights-of-Way, and subject to the supplemental requirements set forth in this Section for wireless Antennas and Facilities. Any Wireless Communications Facilities authorized in the Rights-of-Way shall be only as authorized in a binding approved Franchise Agreement which expressly authorizes attachment to the City's Utility Poles and/or Support Structures, a pole attachment agreement, or other written authorization with the City and subject to approval, denial, or condition relating to location, design, height, appearance, safety, specifications for use of City structures, and such building or other regulations, except as may be limited by applicable law.

E. General Conditions. Any Wireless Communications Facility in the Rights-of-Way shall be authorized only for Persons or ROW Users that have a current, unexpired, and lawful Franchise Agreement with the City pursuant to 12.04.190.A.1. All Wireless Communications Facilities shall be subject to conditions relating to the location (including prohibited or limited locations), design, height, appearance, safety, radio-frequency, and other interference issues as may be lawfully imposed by the City where necessary or appropriate to protect the public, and to conform to policies and interests of the public as may be set forth in special district plans, historic areas, or other policies as may be reasonably adopted by the City to address changing infrastructure, technology, and uses of the Rights-of-Way and/or City Facilities, to the extent permitted by applicable law.

F. Small Wireless Facilities. All Small Wireless Facilities in the Rights-of-Way shall comply with the following requirements, in addition to any other design, safety, spacing, or construction requirements outlined in this Section:

1. The maximum height of a Small Wireless Facility that is collocated on a Utility Pole or Support Structure shall be no more than ten feet (10') above the Utility Pole or Support Structure that such Small Wireless Facility is collocated;
2. All written design standards, currently in effect or as may be hereafter adopted, applicable to the City's Utility Poles or

Support Structures shall be followed, along with all stealth, concealment, and any other aesthetic requirements or written design plan applicable to such Utility Poles or Support Structures on record, adopted, or in effective within the City, including such stealth, concealment, or other aesthetic requirements for historic landmarks or within a district currently, or hereafter, zoned historic;

3. The Small Wireless Facility and any associated equipment permitted shall be painted the same or similar color as the Utility Pole or Support Structure upon which the Facility and/or equipment is collocated. If good cause is shown for ground-mounted equipment, such ground-mounted equipment associated with a collocated Small Wireless Facility shall be of such design, including color and size, such that it maximally blends in to the built environment of the proximate area;

4. Only one Small Wireless Facility may be collocated on a Utility Pole or Support Structure;

5. New or replacement Utility Poles or Support Structures may not exceed 45 feet AGL, to the extent permitted by applicable law, without a Special Use Permit approved by City Council pursuant to Section 17.40.010 of the Columbia Municipal Code;

6. To the extent permitted by applicable law, all ROW Users must comply with any requirements imposed by any contract between the City and a private property owner that concerns, or relates to, design or construction standards for Utility Poles located in the Rights-of-Way;

7. To the extent permitted by applicable law, new Utility Poles and Support Structures shall follow Subsection B of this Section, such that no new Utility Poles or other Support Structures may be installed within the City's Rights-of-Way without the prior approval of the City for compliance with design and aesthetic requirements. This requirement does not prohibit modification of existing Utility Poles or Support Structures to allow for collocation of Small Wireless Facilities.

Replacement Utility Poles shall be permitted as required by applicable law. In such a circumstance requiring a new or replacement pole for a Small Wireless Facility, such new or replacement Utility Poles shall be at the cost of the ROW User.

8. No ground-mounted equipment associated with the Small Wireless Facility will be permitted. Waiver to this requirement may be granted by the City Council upon good cause is shown that the Applicant requires ground-mounted equipment to utilize the site for a Small Wireless Facility. If good cause is shown permitting such ground-mounted equipment for a Small Wireless Facility, no other ground-mounted equipment shall be allowed for that particular Applicant, or for the particular ROW User if Applicant provides only infrastructure-related services for the ROW User, within two hundred fifty feet (250') of that approved ground-mounted equipment;

9. The proposed collocation, modification, or replacement of Utility Poles or Support Structures where approved pursuant to this Chapter, shall cause only the minimum possible interference with the use of the Rights-of-Way and shall cause only the minimum possible impact upon, and interference with, the rights and reasonable convenience of the property owners who adjoin said Rights-of-Way;

10. The height of all portions of the Small Wireless Facility shall be located at least eight feet (8') above ground level so as not to interfere with pedestrian or vehicle traffic;

11. No portions of the Small Wireless Facility shall extend horizontally from the surface of the Utility Pole or collocated Support Structure more than sixteen inches (16") so as not to interfere with pedestrian or vehicle traffic;

12. If the proposed Utility Pole or Support Structure the Applicant proposes to locate its Small Wireless Facility on is not structurally sound, but the Director finds such site to be a desired location, the Director can require the Applicant to install a substantially similar Utility Pole or Support Structure, the Applicant's cost; and

13. Notwithstanding the maximum size descriptions which define Small Wireless Facility contained in this Ordinance or otherwise contained in applicable law, the Applicant for the proposed installation or collocation shall endeavor to use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or Cabinets then in use by the ROW User, regardless of location, for the particular application.

The City Council may further waive one or more of these requirements upon good cause shown by the Applicant, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this Subsection, or as otherwise required by applicable law. The burden of proof for any waiver shall be wholly on the Applicant and must be shown by clear and convincing evidence.

G. New Structures. Wireless Communications Facilities shall not be permitted in the Rights-of-Way on new structures, provided that if evidence warranting an exception is provided by the Applicant pursuant to Section 12.04.210.B, the City Council may grant an exception authorizing a new structure for a Wireless Communications Facility if it also determines on a non-discriminatory basis such proposed application is in the public interest in light of the purposes of this Section, and provided such use and location has received prior, separate zoning authorization to the extent permitted by applicable law. In such circumstances where any new wireless Support Structure application is permitted in the Rights-of-Way, such use shall be subject to reasonable regulations or conditions and including any applicable specifications, compensation, and other terms established by the City in such approval or agreement as necessary or appropriate to preserve the purposes of this Section and Subsection.

H. All other Wireless in Rights-of-Way. Any Wireless Communications Facility proposed to be located on a Utility Pole or Support Structure, but not meeting the requirements of *Subsections E.*

General Conditions or *F. Small Wireless Facilities*, above, may be approved, subject to conditions as may be imposed consistent with the purposes of this Section, only upon approval by the Council upon a determination by the Council that such Wireless

Communications Facility is:

1. In the public interest to provide a needed service to persons within the City,
2. Cannot feasibly meet all of the requirements of a “Small Wireless Facility” but varies from such requirements to the minimum extent necessary,
3. Does not negatively impact appearance or property values in light of the location, design, and circumstances to be approved,
4. Does not create any unreasonable safety risk, and
5. Complies with all zoning, Rights-of-Way, and other applicable requirements.

I. Permit Application Requirements for Wireless Communications Facilities. Any application for a ROW Permit, including one or more Wireless Communications Facility, including but not limited to Small Wireless Facilities, shall include all of the requirements of this Code, as well as written proof of consent of landowner (copy of the Enforceable Franchise Agreement, or other written consent of the City) and of structure owner (document authorizing use of the Utility Pole or Support Structure). Additionally, for the installation of Small Wireless Facilities, the following information shall be required to constitute a completed Application:

1. A site-specific structural integrity report for each Utility Pole and Support Structures, and for City Utility Poles and City-controlled Support Structures, a make-ready analysis prepared by a Structural Engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
2. Specifications and drawings prepared by a Structural Engineer for each Small Wireless Facility;
3. Location of each proposed Small Wireless Facility which is proposed to be installed, with photographs of the immediate

surrounding areas depicting where the Small Wireless Facility would be mounted on its associated structure;

4. The equipment types and model numbers for the Antennas and all other equipment associated with the Small Wireless Facility;

5. A proposed schedule for the installation and completion for each Small Wireless Facility, if such application were approved;

6. Certification that the collocation proposed in the application complies with the Small Wireless Act, and the City's requirements for collocation, to the extent permitted by applicable law, including the existence of an enforceable Franchise Agreement between the City and the ROW User, undergrounding requirements, design requirements, and all requirements of this Section 12.04.210, to the best of the Applicant's knowledge; and

7. All application fees to the extent permitted by law. All application fees to the City shall be non-refundable. If such application requires replacement Utility Pole(s), such cost of the replacement Utility Pole(s) will also be included in the application.

Failure to provide the application fee(s) as required by the City's Code, or as otherwise provided for by the Small Wireless Act or other law, will prevent the exercise by the applicant of

any "deemed approved" remedy which may be provided for in any applicable law. The City's application fees shall be the maximum permitted by applicable law, including but not limited to the Small Wireless Act, as may be hereafter amended, and shall be effective until an ordinance establishing such lesser or alternative amount is passed by City Council.

J. Sight Triangle Maintained. All ROW Users shall comply with the requirements of sight triangles and nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision within the triangular area formed by the

Rights-of-Way lines and a line connecting them at points thirty feet (30') from their point of intersection or at equivalent points on a private street.

K. Installation and Maintenance of Facilities. Each ROW User shall maintain its Facilities in good and safe condition and in a manner that complies with all applicable federal, state, and local requirements. If Excavation or Facilities Maintenance is being done for the ROW User by another Person, a subcontractor or otherwise, the ROW User shall be responsible for ensuring that the Excavation or Facilities Maintenance of said Person is performed consistent with its ROW Permit and applicable law (including that the contractor shall be properly licensed under the State of Illinois and local ordinances) and shall be responsible for promptly correcting acts or omissions by said Person.

L. Collocation Completion Deadline. Any collocation for a Wireless Communications Facility for which a ROW Permit is granted shall be completed within 180 days after the issuance of the permit, measured as the day in which the Director or his/her designee approves the application and affixes his/her signature to such ROW Permit. The City and the ROW User may agree to extend this period, or if a period of delay is caused by make-ready work for a City pole or by the lack of commercial power or backhaul availability at the proposed location, if the ROW User has made a request within 60 days after the issuance of the ROW Permit for commercial power or backhaul services. In no case shall an extension be inferred via conduct or waiver, and may only be granted in writing, expressly stating the nature of such extension, signed by the City. Any additional extension cannot exceed 360 days after issuance of the ROW Permit. All ROW Permits issued for which the work authorized is not completed shall be deemed void and require a new application to the City.

M. Reservation of Right of Denial. Nothing herein shall prohibit a denial of a Wireless Communications Facility application, notwithstanding any contrary requirement or provision of this Chapter, if applicable law at that time would otherwise not prohibit such denial, including due to change of law, invalidation, inapplicability or expiration of the Small Wireless Act, or otherwise.

N. Wireless Facility Compensation Requirements. Unless otherwise established by the City Council or applicable law, compensation to the City for use of City Rights-of-Way or structures for wireless Facilities, shall be as follows unless otherwise lawfully provided for in the Franchise authorizing such use:

1. City Structures. If a Small Wireless Facility is to be collocated on a City-owned structure acceptable for such use by the City, a Franchise, or other written authorization such as a pole attachment agreement, shall be required with terms including insurance, indemnification, and an annual rate of \$200.00 per attachment, or such other compensation as may be lawfully provided for in such Franchise or authorization, (the "Attachment Rate"), shall be paid to the City.

2. Timing of Payment. Unless otherwise agreed to in writing, all Small Wireless Facility Attachment Rate payments shall be due annually within on January 1 of each year. The Attachment Rate payment shall not be pro-rated or otherwise reduced based on the date of attachment to City infrastructure. Payment for linear feet of Facilities, to the extent not preempted by applicable law, shall be as provided in such Franchise or as otherwise required in the City Code. Payment of all other fees as required by this Code or applicable Franchise shall be on a monthly basis, within thirty (30) days after the end of each such month.

3. Interest of Late Payments and Under Payments. If any fees or rates required by the Chapter, including all Attachment Rates, or any portion thereof, is not postmarked or delivered on or before the due date, interest on the payment and interest on the unpaid balance shall accrue from the due date until received, on a monthly basis, at the rate of one and one-half percent (1.5%) of the total amount past due or at such other lower rate as may be required by applicable law.

4. Fee Statement; Retroactive Adjustments. Each payment of the fees or rates required by this Chapter, including the Attachment Rate payments, shall be accompanied by a statement,

certified as true, showing the manner in which the Rights-of-Way fee was calculated including the total number of feet of Rights-of-Way occupied by the Rights-of-Way User's Facilities and number of Small Wireless Facilities collocated on City infrastructure in the Rights-of-Way, number of Small Wireless Facilities which the ROW User is paying for, and any applicable penalties or interest payments which may have accrued as required. If any statement is determined to understate the payment owed, then such additional amount owed shall be paid with a corrected statement, including interest on said amount as provided herein. No refund, credit, or offset shall be granted for any claimed payment or overstatement of the amount due or certification of Small Wireless Facilities or linear feet of Facilities reported, provided that a corrected payment or reported may be filed prior to any accrual of interest on the original payment.

5. *No Accord and Satisfaction.* No acceptance by the City of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any payment be construed as a release of any claim of the City.

6. *Maintain Records.* Rights-of-Way Users shall at all times maintain complete and accurate books of account and records of the business, ownership, and operations of the Rights-of-Way

User with respect to the Facilities in a manner that allows the City to determine whether the Rights-of-Way User has properly calculated its required payment in compliance with this

Section. Should the City reasonably determine that the records are not being maintained in such manner, the Rights-of-Way User shall correct the manner in which the books and/or

records are maintained so that the Rights-of-Way User comes into compliance with this Section. All financial books and records which are maintained in accordance with FCC regulations and the regulations of any governmental entity that regulates utilities in Illinois, and generally accepted accounting principles shall be deemed to be acceptable under this Section. Such

books and records shall be maintained for a period of at least five (5) years.

7. *Right of Inspection.* The City or its designated representatives shall have the right to inspect, examine, or audit, during normal business hours and upon seven (7) calendar days' notice, all documents, records, or other information that pertains to the Facilities within the Rights-of-Way and/or Rights-of-Way User's payment obligations. In addition to access to the records of Rights-of-Way User for audits, upon request, Rights-of-Way User shall provide reasonable access to records necessary to verify compliance with the terms of this Section.

8. *Fees, Rates, and Compensation not a Tax.* The fees, Attachment Rates, and costs provided for in this Section, and any compensation charged and paid for the use of the Rights-of-Way as provided for in this Section, are separate from, and additional to, any and all federal, state, City, or other local taxes as may be levied, imposed, or due.

(Ord. No. 3425, Added, 08/20/2018, Added New Sections.)

Section 12.04.220 Jurisdiction, Inspection, Stop Work Orders, Appeals, and Penalties.

A. *Inspections.* All work and Facilities shall be subject to inspection by the City and the supervision of all federal, state, and local authorities having jurisdiction in such matters to ensure compliance with all applicable laws, ordinances, departmental rules and regulations, and the ROW Permit.

B. *Stop Work Orders.* The Director shall have full access to all portions of the work and may issue stop work orders and corrective orders to prevent unauthorized work or substandard work as established herein. Except in cases of an emergency or with approval of the Director, no work may be done in violation of a stop work order issued by the Director.

C. *Repairs when Defective.* All violations of the standards and requirements herein shall be corrected within the time specified in the issuance of a written notice to correct. Action to correct violations which require immediate action shall be taken upon notification to the Person by the City. Every Person failing to comply with the oral or written notice shall be deemed in violation of

this Chapter. If the action is not taken within the time period specified by notice and in addition to any other remedy, the Director may have the violation, including but not limited to, the existence of mud or debris on the Rights-of-Way, immediately remedied and the City's costs shall be reimbursed by the ROW User through the surety or otherwise. Nothing in this Subsection shall prevent prosecution of violation of this Chapter in the absence or in addition to the issuance of notice of violation.

D. Appeals. Unless otherwise provided herein or by any other governing ordinance or law, any person aggrieved by a decision, fee, or requirement established or made pursuant to this Chapter shall, prior to seeking any judicial or statutory relief, if any, file a written appeal of any such decision, fee, or requirement with the City Council within fifteen (15) days of such decision or imposition of such fee or requirement specifying this provision and including specific details of the alleged claim or grievance, and an evidentiary hearing shall be held on such appeal by the City Council or its designee to render a final decision. Nothing herein shall deny or preclude any additional applicable appeal remedy that may be granted and required by federal or state law after such decision.

E. Penalties. In addition to any other penalties and remedies for violations that may exist in law or equity, any Person that violates any provision of this Chapter shall be subject to such penalties as set forth in Section 1.16.010 of the Columbia Municipal Code per day for each and every day the violation exists or continues.

(Ord. No. 3425, Added, 08/20/2018, Added New Sections.)

Section 12.04.230 Reservation of Rights.

In addition to any rights specifically reserved to the City by this Chapter, the City reserves unto itself every right and power which is required to be reserved by a provision of any ordinance under any registration, permit, or other authorization granted under this Chapter, and as may be authorized by the 1970 Illinois Constitution or any other authority applicable to regulation of the use of the Rights-of-Way. Notwithstanding anything to the contrary set forth herein, the provisions of

this Chapter shall not infringe upon the rights of any Person pursuant to any applicable state or federal statutes, including, but not limited to any right that may exist to occupy the Rights-of-Way.

(Ord. No. 3425, Added, 08/20/2018, Added New Sections.)

Chapter 12.05**TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE****Sections:**

- 12.05.010 Definitions.**
- 12.05.020 Registration of telecommunications providers.**
- 12.05.030 Municipal telecommunications infrastructure maintenance fee.**
- 12.05.040 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.**
- 12.05.050 Compliance with other laws.**
- 12.05.060 Existing franchises and licenses.**
- 12.05.070 Penalties.**
- 12.05.080 Enforcement.**
- 12.05.090 Conflict provisions resolutions.**

Section 12.05.010 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the city, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the city, charges for the channel mileage between each channel point within the city, and charges for that portion of the interstate inter-office channel provided within the city. However, "gross charges" shall not include:

1. Any amounts added to a purchaser's bill because of a charge made under: (a) the fee imposed by this chapter, (b) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act; (c) amounts collected under Section 8-11-17 of the Illinois Municipal Code; (d) the tax imposed by the Telecommunications Excise Tax Act; (e) 911 surcharges; or (f) the tax imposed by Section 4251 of the Internal Revenue Code;
2. Charges for a sent collect telecommunication received outside the city;
3. Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
4. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
5. Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the city;
6. Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory

required profit for the corporation rendering such services;

7. Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal incometax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

8. Charges paid by inserting coins in coin-operated telecommunications devices; or

9. Charges for telecommunications and all services and equipment provided to the city.

"Public right-of-way" means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the city has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public right-of-way" shall not include any real or personal city property that is not specifically described in the previous sentence and shall not include city buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

"Retailer maintaining a place of business in this state," or any like term, means and includes any retailer having or maintaining within the state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

"Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

"Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecom-munications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act

of 1984 (47 USC Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the Rules of the Federal Communications Commission (47 CDF 76.1550 and following) as now or hereafter amended.

"Telecommunications provider" means: (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

"Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this section. The city may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the city, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the city.

"Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 USC Section 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services. (Ord. 1630 § 2 (part), 1997)

Section 12.05.020 Registration of telecommunications providers.

A. Every telecommunications provider as defined by this chapter shall register with the city within thirty (30) days after the effective date of this chapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the city, provided, however, that any telecommunications retailer that has filed a return pursuant to Section 12.05.040(C) of this chapter shall be deemed to have registered in accordance with this section.

B. Every telecommunications provider who has registered with the city pursuant to Section 12.05.020(A) has an affirmative duty to submit an amended registration form or current return as required by Section 12.05.040(C), as the case may be, to the city within thirty (30) days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the city. (Ord. 1630 § 2 (part), 1997)

Section 12.05.030 Municipal telecommunications infrastructure maintenance fee.

A. A city telecommunications infrastructure maintenance fee is imposed upon all telecommunications retailers in the amount of one percent of all gross charges charged by the telecommunications retailer to service addresses within the city for telecommunications originating or received in the city.

B. Upon the effective date of the infrastructure maintenance fee authorized in this chapter, the city infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the city by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

C. The city telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in Section 12.05.040 of this chapter. (Ord. 1630 § 2 (part), 1997)

Section 12.05.040 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.

A. A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the city infrastructure maintenance fee attributable to that customer's service address.

B. Unless otherwise approved by the city council, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the city not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two percent of the city infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

C. Remittance of the municipal infrastructure fee to the city shall be accompanied by a return, in a form to be prescribed by the city council which shall contain such information as the city council may reasonably require.

D. Any infrastructure maintenance fee required to be collected pursuant to this chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the city. The charge imposed under Section 12.05.040(A) by the telecommunications retailer pursuant to this chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

E. If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the city council may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless: (1) the credit is used only to offset a claim of underpayment made by the city within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

F. Amounts paid under this chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

1. "Gross charges" for purposes of the Telecommunications Excise Tax Act;
2. "Gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
3. "Gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
4. "Gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.

G. The city shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this chapter to determine whether the telecommunications retailer has properly accounted to the city for the city infrastructure maintenance fee. Any underpayment of the amount of the city infrastructure maintenance fee due to the city by the telecommunications retailer shall be paid to the city plus five percent of the total amount of the underpayment determined in an audit, plus any costs incurred by the city in conducting the audit, in an amount not to exceed five percent of the total amount of the underpayment determined in an audit. Such sum shall be paid to the city within twenty-one (21) days after the date of issuance of an invoice for same.

H. The city council or its designee, may promulgate such further or additional regulations concerning the administration and enforcement of this chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 12.05.020 of this chapter of such regulations. (Ord. 1630 § 2 (part), 1997)

Section 12.05.050 Compliance with other laws.

Nothing in this chapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- A. Generally applicable taxes; and
- B. Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and
- C. Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
- D. Compliance with any ordinance or provision of this code concerning uses or structures not located on, over, or within the right-of-way. (Ord. 1630 § 2 (part), 1997)

Section 12.05.060 Existing franchises and licenses.

Any franchise, license, or similar agreements between telecommunications retailers and the city entered into before the effective date of this chapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived. (Ord. 1630 § 2 (part), 1997)

Section 12.05.070 Penalties.

Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the general penalty provisions of the Columbia Municipal Code. (Ord. 1630 § 2 (part), 1997)

Section 12.05.080 Enforcement.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this chapter. (Ord. 1630 § 2 (part), 1997)

Section 12.05.090 Conflict provisions resolutions.

This chapter supersedes all chapters or parts of chapters adopted prior hereto which are in conflict herewith, to the extent of such conflict. (Ord. 1630 § 2 (part), 1997)

Chapter 12.08

DRIVEWAYS

Sections:

12.08.010 Permit required.

12.08.020 Grade surfaces.

12.08.030 Specifications.

12.08.040 Repair.

Section 12.08.010 Permit required.

No person, firm or corporation shall construct a driveway for vehicles or animals across any sidewalk in the city without first having obtained a permit therefor.

Applications for such permits shall be made to the city clerk on appropriate forms furnished by the city and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served, shall be issued by the building inspector. (Prior code § 33-2-1)

Section 12.08.020 Grade surfaces.

No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction on the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It is unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level. (Prior code § 33-2-3)

Section 12.08.030 Specifications.

Driveways across sidewalks shall be constructed in compliance with specifications and standards adopted by the city council. (Prior code § 33-2-4)

Section 12.08.040 Repair.

It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk, and free from obstruction and openings. (Prior code § 33-2-5)

Chapter 12.12

EXCAVATIONS

Sections:

12.12.010	Permit required.
12.12.020	Permit applications.
12.12.030	Issuance.
12.12.040	Bond.
12.12.050	Deposit.
12.12.060	Barricades and lights.
12.12.070	Manner of excavating.
12.12.080	Sidewalks.
12.12.090	Time limits.
12.12.100	Restoring surface.
12.12.110	Supervision.
12.12.120	Exemptions.

Section 12.12.010 Permit required.

It is unlawful for any person, firm or corporation to tunnel under or to make an excavation in any street, alley, parkway or other public place in the city without having obtained a permit as is herein required, or without complying with the provisions of this chapter or in violation of or variance from the terms of any such permit. (Prior code § 33-3-1)

Section 12.12.020 Permit applications.

Applications for such permits shall be made to the clerk on appropriate forms furnished by the city, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work, and the name of the person, firm or corporation for whom or which the work is being done and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. (Prior code § 33-3-2)

Section 12.12.030 Issuance.

The permit shall be issued by the building inspector. (Prior code § 33-3-3)

Section 12.12.040 Bond.

No such permit shall be issued unless and until the applicant therefor has filed with the clerk a bond in an amount required by the city council conditioned to indemnify the city for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state of Illinois as a surety company. (Prior code § 33-3-5)

Section 12.12.050 Deposit.

No such permit shall be issued unless and until the applicant therefor has deposited with the clerk a cash deposit in an amount to be set by city ordinance from time to time if no pavement is involved, and if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement and of making the refill if this is done by the city or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. (Amended during 1997 codification; prior code § 33-3-6)

Section 12.12.060 Barricades and lights.

Any person, firm or corporation making or maintaining any excavation in any street or alley shall keep the same adequately guarded by barricades and lights to protect persons and property from injury. (Prior code § 33-3-7)

Section 12.12.070 Manner of excavating.

It is unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnel; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed.

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

(Prior code § 33-3-8)

Section 12.12.080 Sidewalks.

If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. (Prior code § 33-3-9)

Section 12.12.090 Time limits.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the building inspector. (Prior code § 33-3-10)

Section 12.12.100 Restoring surface.

Any person, firm or corporation making any excavation in or under any public street, alley or public place in the city shall restore the surface thereof to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such excavation shall be removed.

Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances and subject to the supervision of the superintendent of maintenance; and if such work is not done within ten days after restoration is possible, the city may restore the surface and charge the cost thereof to the permittee.

(Prior code § 33-3-11)

Section 12.12.110 Supervision.

The superintendent of maintenance shall, from time to time, inspect all excavations and tunnels being made in or under any public street, alley or other public place in the city to see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten hours before the work of refilling any such excavation or tunnel commences.

(Prior code § 33-3-12)

Section 12.12.120 Exemptions.

The provisions of this chapter relative to securing permits shall not apply to officers or employees of the city engaged in doing work for the city under contract; nor to persons or corporations which are operating under a franchise or grant from the city if such franchise provides for the making of excavations and tunnels without securing a permit therefor.

(Prior code § 33-3-13)

Chapter 12.16**STANDARDS FOR STREETS IN ANNEXED TERRITORY****Sections:****12.16.010 Findings.****12.16.020 Dedication of right-of-way and/or surfacing or resurfacing of roadways in territory annexed to the city at the request of the property owners.****12.16.030 Dedication of right-of-way and surfacing or resurfacing of streets and roads in territory annexed to the city without the consent of all owners of annexation territory property.****Section 12.16.010 Findings.**

The corporate authorities of the city have found, determined and declared that it is in the health, safety and welfare of the citizens of the city that provisions be made and provided for in the city' s codes and ordinances to require that streets, roads and traffic ways that exist in territory annexed to the city be upgraded to meet the standards of design and construction the city requires for subdivision streets in the city, where the streets, roads and traffic ways are not in compliance therewith at the time of annexation. Consequently, the owners and developers of property annexed to the city which adjoins streets, roads and traffic ways that are not constructed in accordance with the standards established for street layout and construction in the city' s subdivision code shall be required to conform to the following principles and standards of land development in the development of their property after it is annexed to the city. (Ord. 1329 § 1 (part), 1995: prior code § 33-8-1)

Section 12.16.020 Dedication of right-of-way and/or surfacing or resurfacing of roadways in territory annexed to the city at the request of the property owners.

Where property is to be annexed to the city on petition of all owners of record of property in the territory sought to be annexed, (being annexations pursuant to Sections 5/7-1-1 and 5/7-1-8 of the Illinois Municipal Code of 1961, as amended [65 ILCS 5/7-1-1 and 5/7-1-8]), which annexation territory includes one or more county roads, township roads or other public rights-of-way the design and/or construction of which does not meet the standards required for street design and construction established by the city' s municipal code, as determined by the city council with the advice of the city engineer, before annexation of the property to the city, the city council may require the property owners to make and enter into an annexation agreement (as authorized by Division 15.1 of the Illinois Municipal Code of 1961, as amended, [65 ILCS 5/11-15.1-1, et. seq.]), with the property owners to require that the public ways be upgraded by the property owners to comply with the city' s municipal code (as the city' s codes exists on the date of the annexation or as the city code exists at the time the road improvements are required to be made by the annexation agreement, whichever the city shall decide). The annexation agreement may provide for, among other things, dedication of property to be utilized for street right-of-way, and/or drainage, and may provide for the property owners paying or contributing to the costs of widening, surfacing and/or resurfacing the subject roadways and such other improvements to the roadway as the city shall determine. (Ord. 1329 § 1 (part), 1995: prior code § 33-8-2)

Section 12.16.030 Dedication of right-of-way and surfacing or resurfacing of streets and roads in territory annexed to the city without the consent of all owners of annexation

territory property.

Where property is to be annexed to the city without the consent of all owners of record of property in the territory sought to be annexed, (including annexations pursuant to Sections 5/7-1-2 through 5/7-1-7 and Section 5/7-1-13 of the Illinois Municipal Code of 1961, as amended [65 ILCS 5/7-1-2 through 5/7-1-7 and 5/7-1-13]), which annexation territory includes one or more county roads, township roads or other public rights-of-way the design and/or construction of which does not meet the standards required for street design and construction established by the city' s codes as determined by the city council with the advice of the city engineer, prior to approving a plat for the subdivision of property in the annexation territory that will utilize the public right-of-way for access to the subdivision and/or prior to the city' s building inspector issuing a building permit for a building to be constructed on property in the annexation territory that will utilize the public right-of-way for access to the property on which the building is located, the city may require the property owner to make and enter into a cooperation agreement (as authorized by Section 10 of Article VII of the 1970 Constitution of the State of Illinois), with the property owners to require that the public ways be upgraded by the property owners to comply with the city' s code (as the city' s code exists on the date of the annexation or as the city codes exists at the time the road improvements are required to be made by the cooperation agreement, whichever the city shall decide). The annexation agreement may provide for, among other things, dedication of property to be utilized for street right-of-way, and/or drainage, and may provide for the property owners paying or contributing to the costs of widening, surfacing and/or resurfacing the subject roadway and such other improvements to the roadway as the city shall determine. (Ord. 1329 § 1 (part), 1995: prior code § 33-8-3)

Chapter 12.18

ROLLER BLADING AND ROLLER SKATING

Sections:

12.18.010 Restrictions on roller blading and roller skating.

12.18.020 Penalty.

Section 12.18.010 Restrictions on roller blading and roller skating.

It is unlawful for any person to engage in roller blading or roller skating in the city except in compliance with the following rules and regulations pertaining thereto, to wit:

A. Persons riding roller blades or roller skates within the city shall observe all traffic signs, stop at all stop signs, obey traffic signals and the orders of the city police officers and school patrol guards.

B. Persons riding roller blades or roller skates upon a street, roadway, or sidewalk in the city shall ride single file, and no persons shall ride roller blades or roller skates upon any street, roadway, or sidewalk abreast of one and another.

C. Every person riding roller blades or roller skates upon any street shall observe all traffic rules and regulations applicable thereto, shall turn only at intersections, will ride as near to the right side of the roadway as practicable, exercising due care when passing a pedestrian, a standing vehicle, or one proceeding in the same direction.

D. No person riding roller blades or roller skates on a street or sidewalk shall hold onto, or attach their roller blades or roller skates or themselves to any motor vehicle or towing device.

E. No person riding roller blades or roller skates on a roadway, street, or sidewalk in the city shall engage in any trick riding or weaving.

F. No person riding on roller blades or roller skates shall propel or move out of alleys and driveways, or from behind parked cars, without first stopping and looking in all directions to see that the sidewalks or streets where they are located are clear of vehicle traffic and/or pedestrians. Persons riding roller blades or roller skates shall yield the right-of-way to oncoming pedestrians and/or vehicles.

G. No person shall ride roller blades or roller skates on a city roadway or street, sidewalk, or another location hereinafter described in the subsequent numbered subparagraphs hereof, as follows:

1. On any private property on which is prominently posted a sign indicating the use of roller blades or roller skates is prohibited.

2. Any municipal property which is not designated for the use of roller blades or roller skates, to include but not be limited to: public tennis and basketball courts, the fountain, park, and parking lot at the Columbia City Hall, the Columbia Public Library parking lot, the city's Scout Hut porch, the city's Civic Center porch, the Public Safety Complex parking lot, the Public Works building and facilities parking lot, the Admiral Memorial Circle, or on any structural part of any municipal building in the city.

3. On Main Street and on Bottom Avenue and other roadways where sidewalks are provided.

4. Any other location which creates a substantial hazard to the person or property of others.

H. No person shall operate roller blades or roller skates so as to mark, deface, disfigure, or otherwise cause damage to paving materials, playgrounds, recreational equipment or

facilities, monuments, or any other structure or surface upon which the roller blades or roller skates are being operated. (Ord. 1696 § 1 (part), 1998)

Section 12.18.020 Penalty.

Any person who violates any of the provisions of this chapter shall be issued a traffic citation as being in violation of this chapter. A person who violates any of the provisions of this chapter shall pay a fine as follows:

- A. Fifty dollars (\$50.00) for the first offense;
- B. Seventy-five dollars (\$75.00) for the second offense;
- C. One hundred dollars (\$100.00) for each subsequent offense.

All citations are required to be paid within fourteen (14) days of the date they are issued and delivered to the offender.

In the event said person fails to make payment as provided above, then the city police department shall institute formal court proceedings; and the offender shall be subject to a minimum fine of one hundred dollars (\$100.00) up to a maximum fine of seven hundred fifty dollars (\$750.00), plus all court costs.

The aforesaid payment shall be made at the office of the City Clerk, Columbia City Hall, 208 South Rapp Avenue, Columbia, Illinois.

The members of the Columbia police department are directed to refrain from instituting prosecution of such violation where the above amounts are paid, and, where not so paid, until the expiration of fourteen (14) days from the date of such violation.

(Ord. 1696 § 1 (part), 1998)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fine amounts)

Chapter 12.19

SKATEBOARDING

Sections:

12.19.010 Regulations for skateboarding.

12.19.020 Posting notice.

12.19.030 Penalty.

Section 12.19.010 Regulations for skateboarding.

It is unlawful for any person to ride skateboards in the city except in compliance with the following rules and regulations pertaining thereto, to wit:

- A. No person shall ride a skateboard on any public street.
- B. No person shall ride a skateboard on any sidewalk in a commercially zoned district in the city, or on any sidewalk which is publicly posted.
- C. No person shall ride a skateboard on any municipally owned property, including but not limited to the public tennis and basketball courts in the city, the Fountain Park and parking lot at the Columbia City Hall, the Columbia Public Library parking lot, the Columbia Scout Hut, the Columbia Civic Center property, the Public Safety Complex property, the Public Works buildings, facilities, and land, the Admiral Memorial Circle, or the Bolm-Schuhkraft Memorial Park.
- D. No person shall ride skateboards on any private property on which is prominently posted a sign indicating the use of skateboards is prohibited.
- E. No person shall ride a skateboard in a location where skateboarding is permitted in the city in a reckless manner or without exercising due care for the safety of the person and the property of others.
- F. No person shall operate a skateboard as to mark, deface, disfigure, or otherwise cause damage to paving materials, playgrounds, recreational equipment or facilities, monuments, or any other structure or surface upon which they are operating a skateboard. (Ord. 1697 (part), 1998)

Section 12.19.020 Posting notice.

Any commercial establishment selling or renting skateboards shall post a copy of this chapter of the Columbia, Illinois Municipal Code in a conspicuous place where persons buying or renting skateboards will see it. (Ord. 1697 (part), 1998)

Section 12.19.030 Penalty.

Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each separate offense.

(Ord. 1697 (part), 1998)
(Ordinance No. 3180, Amended, 04/20/2015, Amended fines.)

Chapter 12.20

HANDBILLS

Sections:

12.20.010 Placement on vehicles unlawful.

12.20.020 Violation--Penalty.

Section 12.20.010 Placement on vehicles unlawful.

It is unlawful for any person to distribute, deposit, lay, place, scatter or throw any handbills, leaflets, pamphlets, circular, book, notice or paper of any kind by placing such documents or items on or in any motor vehicle. (Ord. 988 § 1, 1992)

Section 12.20.020 Violation--Penalty.

Any person found in violation of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each separate occurrence.

(Ord. 988 § 2, 1992)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 12.24**SIGNS AND AWNINGS****Sections:**

- 12.24.010** **Permits required.**
- 12.24.020** **Fee.**
- 12.24.030** **Temporary permits.**
- 12.24.040** **Bond.**
- 12.24.050** **Constructions.**
- 12.24.060** **Permit period.**
- 12.24.070** **Height above sidewalk.**
- 12.24.080** **Inspections.**

Section 12.24.010 **Permits required.**

No person, firm or corporation shall erect or maintain any sign, signboard or rigid canopy over any street, sidewalk, alley or other public way in the city without having first obtained a permit therefor as herein provided. Permits for signs, canopies or signboards shall be issued by the building inspector, upon payment of the fee provided, and shall designate the location of the proposed structure. (Prior code § 33-4-1)

Section 12.24.020 **Fee.**

The annual fee for such permits shall be in an amount to be set by city ordinance from time to time for signs, signboards or rigid canopies which extend less than five feet over a street, sidewalk, alley or other public place, and are less than fifteen (15) square feet in area, and for such signs, signboards or rigid canopies as extend more than five feet over such public place or are fifteen (15) or more square feet in total area. (Amended during 1997 codification; prior code § 33-4-2)

Section 12.24.030 **Temporary permits.**

Temporary permits may be issued for maintenance of a temporary sign, signboard or rigid canopies for a short time and not to exceed three weeks, upon payment of a fee in an amount to be set by city ordinance from time to time for each week or fraction thereof that such sign is to be maintained. (Amended during 1997 codification; prior code § 33-4-3)

Section 12.24.040 **Bond.**

Each person, firm or corporation maintaining such sign, signboard or rigid canopies temporarily or permanently, shall file with the clerk a bond or indemnity policy in the sum of fifty thousand dollars (\$50,000.00), conditioned to indemnify the city for any loss or damage or liability that may result from the construction or maintenance of such sign or canopy; provided, that if the city has secured a blanket policy to protect against such risks then no such bond shall be required. (Prior code § 33-4-4)

Section 12.24.050 **Constructions.**

All signs, signboards and canopies extending over any public sidewalk, street, alley or

other public place must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from other cause. (Prior code § 33-4-5)

Section 12.24.060 Permit period.

The period for which permits required by this chapter shall be the same as the general license year. (Prior code § 33-4-6)

Section 12.24.070 Height above sidewalk.

The lowest part of any such canopy, sign or of any non-rigid awning, or any support thereof which extends over any public way shall be at least eight feet above the level of the walk or public way over which it extends; but no such sign shall be maintained over any public way used by vehicles if any part of its support or of the sign is less than fifteen (15) feet above the level of such public way. (Prior code § 33-4-7)

Section 12.24.080 Inspections.

It shall be the duty of the building inspector to inspect or cause to be inspected, every sign, canopy or awning which extends over any sidewalk, street, alley or other public way. If any such sign, signboard or canopy is found to be insecurely fastened he shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign or canopy is not made secure within ten days after such notice, it may be torn down on order of the city council at the owner's expense. (Prior code § 33-4-8)

Chapter 12.28

TREES AND SHRUBS

Sections:

- 12.28.010 Planting.**
- 12.28.020 Removals.**
- 12.28.030 Injury.**
- 12.28.040 Advertisements or notices.**
- 12.28.050 Dangerous trees.**
- 12.28.060 Wires.**
- 12.28.070 Gas pipes.**
- 12.28.080 Excavations.**
- 12.28.090 Violation--Penalty.**

Section 12.28.010 Planting.

It is unlawful to plant any trees or shrub in any public street or parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the city clerk, and shall be referred by him to the mayor and city council. (Prior code § 33-7-1)

Section 12.28.020 Removals.

It is unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the city clerk, and shall be referred by him to the mayor and city council for approval before permission shall be granted. (Prior code § 33-7-2)

Section 12.28.030 Injury.

It is unlawful to injure any tree or shrub planted in any such public place. (Prior code § 33-7-3)

Section 12.28.040 Advertisements or notices.

It is unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or other public place. (Prior code § 33-7-4)

Section 12.28.050 Dangerous trees.

Any tree or shrub which overhangs any sidewalk, street or other public place in the city in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such trees or shrubs grow so that the obstruction shall cease.

Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such trees or shrub grows or stands. (Prior code § 33-7-5)

Section 12.28.060 Wires.

It is unlawful to attach any wire or other rope to any tree without permission of the mayor and city council.

Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the city shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the superintendent of maintenance, so that no injury shall be done to the poles or wires or shrubs and trees by contact. (Prior code § 33-7-6)

Section 12.28.070 Gas pipes.

Any person, firm or corporation maintaining any gas pipe in the city shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks. (Prior code § 33-7-7)

Section 12.28.080 Excavations.

In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible. (Prior code § 33-7-8)

Section 12.28.090 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior code § 33-7-9)
(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 12.32

CITY PARKS

Sections:

12.32.010	Reservations of pavilions.
12.32.020	Hours of operation.
12.32.030	Trespassing.
12.32.040	Restricted parking.
12.32.050	Reservation of fields/courts.
12.32.060	Speed limit.
12.32.070	Vehicles.
12.32.080	Animals.
12.32.090	Fires.
12.32.100	Plants.
12.32.110	Littering.
12.32.120	Intoxication.
12.32.130	Firearms, missiles, fireworks.
12.32.140	Damaging or defacing park property.
12.32.150	Skateboards and non-motorized vehicles.
12.32.160	Peace disturbance; interference with others.
12.32.170	Violation and enforcement.
12.32.180	City laws.
12.32.190	Donations and memorials

Section 12.32.010 Reservations of pavilions.

Pavilions can be reserved in advance through the City Clerk's Office under the following conditions:

- 1) No person or group shall disregard any reservation posted by the City of Columbia at any time;
- 2) The subleasing or transfer of a permit is prohibited;
- 3) There shall be no exemption of payment of the nonrefundable fee granted to charitable or nonprofit organizations;
- 4) All applications for reservations of pavilions shall be accompanied by a nonrefundable fee in an amount to be set by city ordinance from time to time for each pavilion being reserved prior to a permit being issued for the use of said pavilion;
- 5) The reservation may be revoked or terminated at any time by the City if the applicant or guest breaches any of these rules, violates any other laws, ordinances, rules, or regulations, or if the City, in the exercise of its sole and absolute discretion, deems it necessary to revoke the reservation to ensure the public's health, safety, welfare, or enjoyment of the public property;

- 6) The City reserves the right to deny a permit to anyone, so it or another public agency can use the pavilion or so the pavilion can remain open to the general public. Use of the pavilion is primarily for City of Columbia residents or groups which are based in the City of Columbia. The City reserves the right:
 - a. To deny a permit to anyone if it finds that the event is likely to be of an inappropriate character;
 - b. To deny a permit to anyone if it finds that the event is likely to be contrary to the public health, safety and welfare of the community; or
 - c. To deny a permit to anyone if it finds that the use is likely to damage the park, the pavilion, or other public property.
- 7) The City will deny the issuance of a permit to any applicant or organization which discriminates against any person due to race, religion, sex, age, national origin, or disability;
- 8) No painting of any type will be permitted. Only wax based or mechanical waxed based candles will be allowed. No decorations and/or banners will be placed on the pavilion prior to the day and time of use as outlined in the Application form. All decorations will be removed from the pavilion at the end of rental hours;
- 9) Permission will be required for any person or group to bring onto the pavilion and use an electrical device with special power requirements;
- 10) The acceptance of applications and granting of permits for the reservation and use of the pavilions shall be open to nonresidents as well as residents of the city; and
- 11) A refundable security deposit may be required and, if required, will be used to pay for damages to property and equipment, and any damages in excess of the security deposit shall be billed to the applicant and shall be paid by said applicant upon receipt.

(Amended during 1997 codification; Ord. 1203 § 1, 11/15/1993)

****AMENDED BY ORDINANCE NO. 2838 PASSED & APPROVED FEBRUARY 7, 2011**

All applications for reservations of the pavilions in the Bolm-Schuhkraft Memorial Park shall be accompanied by a nonrefundable fee in an amount to be set by city ordinance from time to time for each pavilion being reserved prior to a permit being issued for the use of said pavilion. There shall be no exemption of payment of the nonrefundable fee granted to charitable or nonprofit organizations and the acceptance of applications and granting of permits for the reservation and use of the pavilions shall be open to nonresidents as well as residents of the city. (Amended during 1997 codification; Ord. 1203 § 1, 1993)

(Ordinance No. 2838, Amended, 02/07/2011, Amending Park Rules, Chapter 12.32)

Section 12.32.020 Hours of operation.

The City park commonly known as:

- 1) Bolm-Schuhkraft Memorial Park and the public streets located therein shall be open to the public from 6 A.M. – 11 P.M., unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained;
- 2) Albert C. Metter Memorial Park and the public sidewalks and right-of-way located therein shall be open to the public from sunrise to sunset, unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained;
- 3) Meadowridge Park and the public sidewalks and right-of-way located therein shall be open to the public from sunrise to sunset, unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained; and
- 4) Stone Arch Park and the public sidewalks and right-of-way located therein shall be open to the public from 6 A.M. – 11 P.M., unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained.

(Ord. No. 467 § 1, 09/08/1980)

(Ord. No. 512 § 1, 09/07/1982)

(Ord. No. 2582, Amended, 08/06/2007, Amends section 12.32.020 Hours of Operation)

(Ord. No. 2677, Amended, 08/18/2008, Special Events Permission by City Council)

****AMENDED BY ORDINANCE NO. 2838 PASSED & APPROVED
FEBRUARY 7, 2011.**

The city park, commonly known as the Bolm-Schuhkraft Memorial Park, located in the city, and the public streets located therein shall be closed, daily, from the hour of eleven o'clock p.m. (11 P.M.) until the hour of six o'clock a.m. (6:00 A.M.), except in the case of special events when prior approval by the Columbia City Council has been obtained. It shall be a trespass to enter upon the park premises or city streets located in the park during hours when the park is closed, in violation of a notice which shall be posted by the city at the location where all city streets enter or exit the park.

With the exception of City-sponsored events, the city park, commonly known as the Albert C. Metter Memorial Park, located in the city, and the public sidewalks and rights-of-way located therein shall be closed, daily, from sunset until sunrise of the following day, and it shall be a trespass to enter upon the park premises or the sidewalks or other public rights-of-way in the park during hours when the park is closed, in violation of a notice which shall be posted by the city at the location where all city streets provide access to the park.

(Ord. 512 § 1, 1982)

(Ordinance No. 2838, Amended, 02/07/2011, Amending Park Rules, Chapter 12.32; Ordinance No. 2677, Amended, 08/18/2008, Special Events Permission by City Council.; Ordinance No. 2582, Amended, 08/06/2007, Amends Section 12.32.020 Hours of Operation.)

Section 12.32.030 Trespassing.

No person shall remain in the park when not open to the public, except by permit from or contract with the City. It shall be a trespass to enter upon the park premises or city streets located in the park during hours when the park is closed, in violation of a notice which shall be posted by the City at the location where all city streets enter or exit the park, excepting that the public may travel the public streets located in the park after closing hours, but shall not park vehicles, cruise, loiter, or congregate on the streets after park closing hours.

(Ord. No. 467 § 1, 1980)

(Ord. No. 2677, Amended, 08/18/2008, Repealed section 12.32.030)

****AMENDED BY ORDINANCE NO. 2838 PASSED & APPROVED FEBRUARY 7, 2011
THIS SECTION 12.32.030 IS HEREBY REPEALED PER ORDINANCE NO. 2677 PASSED
AND APPROVED AUGUST 18, 2008. An entry upon the premises of the city park, known as the
Bolm-Schuhkraft Memorial Park, or any part thereof, during hours when the park is closed, in
violation of a notice which shall be posted or exhibited at all main entrances to the park; except
that, the public may travel the public streets located in the park after closing hours, but shall not
park vehicles, cruise, loiter, or congregate on the streets after park closing hours. The Bolm-
Schuhkraft Memorial Park shall be closed, daily, during the hours from eleven p.m. until six a.m.
(Ord. 467 § 1, 1980)**

(Ordinance No. 2838, Amended, 02/07/2011, Amending Park Rules, Chapter 12.32; Ordinance No. 2677, Amended, 08/18/2008, Repealed Section 12.32.030.; Ordinance No. 2677, Amended, 08/18/2008, REPEALED SECTION 12.32.030.)

Section 12.32.040 Restricted parking.

Parking is permitted in designated spaces only. A driver of a motor vehicle shall not park in designated spaces unless the driver is utilizing the park, or playground recreational facilities for park purposes.

It shall be an offense punishable by fine to park motor vehicles in the Bolm-Schuhkraft Memorial Park between the hours of seven (7:00) o'clock a.m. and three-thirty (3:30) o'clock p.m., Monday through Friday of each week, except for the parking of motor vehicles during those hours and days by patrons of the park who are utilizing the park for park and playground recreational uses and purposes.

(Ordinance No. 3193 approved 07/20/2015)

****BELOW AMENDED BY ORDINANCE 3193 ON 7/10/15**

Parking is permitted in designated spaces only. A driver of a motor vehicle shall not park in designated spaces unless the driver is utilizing the park, or playground recreational facilities for park purposes.

(Ord. No. 2287, Amended 08/16/2004, Added restricted parking in the Bolm-Schuhkraft Memorial Park)

****AMENDED BY ORDINANCE NO. 2838 PASSED & APPROVED FEBRUARY 7, 2011**

It shall be an offense punishable by fine to park motor vehicles in the Bolm-Schuhkraft Memorial Park between the hours of seven (7:00) o'clock a.m. and three-thirty (3:30) o'clock p.m., Monday through Friday of each week, except for the parking of motor vehicles during those hours and days by patrons of the park who are utilizing the park for park and playground recreational uses and purposes.

(Ordinance No. 3347, Amended, 10/02/2017, Amended parking at BS park since CHS added a new parking lot at the school.; Ordinance No. 3193, Amended, 07/20/2015, Amended parking in BS Park.; Ordinance No. 2838, Amended, 02/07/2011, Amended Park Rules, Chapter 12.32; 12.32.040 (Ord. 2287), Added, 08/16/2004, Added Restricted parking in the Bolm-Schuhkraft Memorial Park.)

Section 12.32.050 Reservation of fields/courts.

Fields and/or courts can be reserved in advance through the City Clerk's Office under the following conditions:

- 1) No person or group shall disregard any reservation posted by the City of Columbia at any time;
- 2) All applications for reservations of the fields and/or courts shall be accompanied by a nonrefundable fee in an amount to be set by city ordinance from time to time for each field and/or court being reserved prior to a permit being issued for the use of said field and/or court;
- 3) The reservation may be revoked or terminated at any time by the City if the applicant or guest breaches any of these rules, violates any other laws, ordinances, rules, or regulations, or if the City, in the exercise of its sole and absolute discretion, deems it necessary to revoke the reservation to ensure the public's health, safety, welfare, or enjoyment of the public property;
- 4) There shall be no exemption of payment of the nonrefundable fee granted to charitable or nonprofit organizations, excepting that the City Council may approve other consideration in lieu of this fee; and
- 5) The acceptance of applications and granting of permits for the reservation and use of the fields and/or courts shall be open to nonresidents as well as residents of the city.

(Amended during 1997 codification; Ord. 1203 § 1,1993)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.060 Speed limit.

Park speed limit is 20 miles per hour for all vehicles.

(Ord. No. 300, Amended 12/05/1966)

(Ord. No. 374, Amended 03/17/1975)

(Ord. No. 873, Amended, 12/03/1990)

(Ord. No. 1789, Amended, 09/20/1999)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.070 Vehicles.

- 1) All vehicles must remain on pavement;
- 2) Motorized vehicles are not allowed on trails and unpaved park areas; and
- 3) Off-highway vehicles are prohibited.

(Ord. No. 2567, Amended, 06/19/2007)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.080 Animals.

1. No person shall ride, lead, walk or otherwise bring any horse, mule, donkey or other animal intended for riding into any park.
2. Dogs are permitted at all City park facilities and City-approved special events, including the City facilities or areas of City property reserved for those events, except for events that prohibit dogs specifically or animals in general.
3. No owner or person having control of any animal shall cause or permit such animal to be on any City property without being leashed, except in connection with City-sponsored activities, programs, or events where it is specifically allowed by the City that animals may be unleashed.
4. Where required, no leash shall be longer than eight (8) feet, and retractable leashes shall not be extended more than eight (8) feet.
5. The owner or person having control of any animal shall immediately remove and dispose of, off City property or in designated receptacles, any feces or other solid bodily waste deposited by his/her animal on park property.
6. Any animal found on City property in violation of this Section may be apprehended, turned over to police, removed to an animal shelter, public pound or other place provided for that purpose. Police will be given possession of the animal(s) or the animal(s) will be turned over to the applicable county's animal control service.
7. The provisions of Subsections (1) through (6) above, shall not apply to service animals, as provided in the Americans with Disabilities Act and the Illinois Accessibility Code.

(Ordinance No. 3633, Amended, 12/19/2022, Amended Park Rules - 12.32.080; Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.090 Fires.

- 1) No open fires allowed outside of designated fire areas;
- 2) No person shall light, kindle or otherwise start any fire, except in cooking grills or other structures designed and provided for such use, and then only under such rules as may be prescribed by the City;
- 3) Every such fire shall be under the continuous care and direction of an adult from the time it is kindled until the time it is completely extinguished; and
- 4) All fires must be extinguished before leaving the park.

(Ord. No. 1775, Amended, 08/02/1999)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.100 Plants.

No plant, tree, sapling, seeding, bush, shrub, turf, grass, flower, plant or plant material or other material within the boundaries of any park whether dead or alive may be:

- 1) Taken, damaged, removed, destroyed or otherwise disturbed without proper authority; or
- 2) Planted, released or otherwise introduced within the boundaries of any park without proper authority.

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.110 Littering.

- 1) No person shall have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash in a park;
- 2) No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; or
- 3) Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.120 Intoxication.

- 1) No person in a public place shall conduct himself/herself so as to be:
 - a. A danger to themselves or others;
 - b. A public nuisance; or

- c. Intoxicated or incapacitated by alcohol or a controlled substance

(Ord. No. 466, Amended 09/08/1979)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.130 Firearms, missiles, fireworks.

No person or entity in any park shall use or have in his or her possession, custody, or control any firearms, or other instrument for the propelling of missiles of any kind whatsoever, including fireworks, excepting such public displays as may be permitted by the City.

(Ord. No. 453, Amended, 11/05/1979)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.140 Damaging or defacing park property.

Unless a permit or contract therefore has first been obtained from the City, no person shall:

- 1) Willfully, maliciously or negligently injure, damage, deface, disfigure, mark upon, paint, carve, bend, cut, break, breakdown, destroy, damage, alter, mar, change, take-down, carry away, uproot, transfer, excavate or otherwise remove, attach, suspend, tamper with or displace from any City property including without limitation any:
 - a. table, fireplace, refuse container, exhibit, display, tools or equipment, water line or other public utility or parts or appurtenance thereof, statue, monument, lamp post, hydrant, meter, rope, wire, wiring, pole, coping, paving or paving materials, fence, wall, bridge, railing, bench, building, shelter or other structure or equipment, facility or park building or part thereof or appurtenance whatsoever, either real or personal, located in a park;
 - b. sign, trail marker, placard, notice, stake, post or other boundary marker whether temporarily or permanently placed by the City;
- 2) Drive any motorcar, vehicle or craft in such a manner as to cause such to collide with, run against, strike or cause to strike, injure, deface or damage any such property;
- 3) Climb upon, hang from, stand or sit on, any fence, structure or other city property of any kind, except such benches or other property designated or customarily used for such purposes, or recreational equipment as may be installed by the city for such purposes;
- 4) Open any city fire hydrant, except by a duly authorized firefighter or city agent; or
- 5) Bring or possess glass bottles.

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.150 Skateboards and non-motorized vehicles.

No person in a park shall do any of the following:

- 1) Operate a skateboard in any City park;
- 2) Operate a skateboard or non-motorized vehicle on or against any publicly owned tables, benches, structures, courts, parking stop, retaining walls, fountains, statues, steps, railings or other improvements which may suffer damage by such use; or
- 3) Use or place a ramp, jump, or any other device used to force a skateboard or non-motorized vehicle off the pavement on the grounds of any public street, parking lot, or sidewalk.

(Ord. No. 1696, Amended, 09/08/1998)

(Ord. No. 1697, Amended, 09/08/1998)

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.160 Peace disturbance; interference with others.

No person in a park shall do any of the following:

- 1) Disturb the peace;
- 2) Violate any regulation for the use of the park approved by the City Council;
- 3) Commit any assault or battery or engage in any speech, gesture, fighting or any offensive act that provokes, disrupts, alarms, disturbs, intimidates, or unreasonably interferes with others in the normal, safe use of the park or any facility thereof;
- 4) Make, countenance or assist in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace or be guilty of any disorderly conduct therein or collect with other persons in bodies or crowds for unlawful purposes or for any purpose to the annoyance or obstruction or disturbance of other persons; or
- 5) Prevent any person from using any park or any of its facilities, or interfere with such use in compliance with this chapter and the rules applicable to such use.

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.170 Violation and enforcement.

No person shall violate any regulation governing conduct, which has been approved by the council, in the city parks or other public areas under the jurisdiction of the City. Law enforcement officers of the City shall have full power to enforce City laws.

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.180 City laws.

City laws extend to and cover all City parks.

(Ordinance No. 2838, Added, 02/07/2011, Amended Park Rules, Chapter 12.32)

Section 12.32.190 Donations and memorials

1) Donations may be accepted from public and private sources for the purpose of enhancing any parks and park pathways, with the exception of those areas where human activity is discouraged to protect habitat and sensitive lands, and such donations will become property of the City of Columbia;

2) Donations shall be incorporated into the site and facilities of the parks and recreation program according to the following criteria:

a. Donations must meet a need identified in an approved design or master plan for the park where it is proposed to be located;

b. Where there is no adopted design or master plan, the donation must be compatible with existing facilities and meet a specific need;

c. Any exceptions must be recommended for approval by a two-thirds majority of the Play Commission;

3) All costs associated with a donation, including ongoing maintenance costs, shall be the responsibility of the donor, and the City reserves the right to assess an appropriate administrative fee for processing requests;

4) While the City will make every effort to repair damaged items, the City will not be responsible for replacement due to excessive damage or loss, although a donor may have such damaged or lost items replaced by the City at the donor's cost;

5) Individual memorial plaques may be placed directly upon donated items, with size and design determined by the City;

6) All official names must be recommended by the Play Commission and approved by the City Council;

7) Under normal circumstances, parks & recreation facilities will not be named for living persons, but exceptions to this policy may be made upon recommendation of the Play Commission when the person to be so honored:

- a. Has made a substantial contribution (in funding or service) to the specific park or facility; or
- b. Has made a substantial contribution to the community over an extended period of time; or
- c. Has achieved national recognition;

8) Facilities within a park should carry the same name as that park, but facilities may be dedicated in memory of a person or event with a plaque indicating the dedication placed at the facility;

9) Names should be changed only when there has never been an official naming or when the name was a temporary or interim designation;

10) The Community & Economic Development Department (CEDD) shall be responsible for administering the Parks & Recreation Donation & Memorial Program, including establishing a review process for approving and installing donated items; CEDD will coordinate with other departments, as needed, or designate other departments to oversee aspects of the program.

(Ordinance No. 2940, Added, 03/19/2012, Added new Section, 12.32.190 Donations and Memorials to Chapter 12.32 City Parks.)

Chapter 12.33

SPECIAL EVENTS

Sections:

12.33.010	Definitions.
12.33.020	Fees.
12.33.030	Permits.
12.33.040	Permit approval.
12.33.050	Insurance requirements.
12.33.060	Set-up/clean-up.
12.33.070	Restrooms.

Section 12.33.010 Definitions.

A special event is any outdoor or seasonal event including, but not limited to a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle/vehicle ride, run/walk, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and/or may require special consideration from any or all of the following City departments:

- Columbia Police Department (CPD);
- Columbia Fire Protection District (CFPD);
- Department of Public Works (DOPW);
- Columbia Emergency Medical Service (EMS); and
- Community & Economic Development Department (CEDD).

(Ordinance No. 2923, Amended, 01/17/2012, Removed "Columbia Volunteer Fire Department (CVFD)" from department list & added "Columbia Fire Protection District (CFPD)."; Ordinance No. 2839, Added, 02/07/2011, Adding Chapter 12.33 (Special Events))

Section 12.33.020 Fees.

- 1) All applications for special event permits shall be accompanied by a nonrefundable fee in an amount to be set by City ordinance from time to time;
- 2) Additional fees may be charged for services requiring City-provided assistance from CPD, CVFD, DOPW, EMS, and/or CEDD (assessment of these fees to be approved by City Council);
- 3) The balance of such fees, if any, must be paid by a check or money order in the proper amount no less than fourteen days in advance of the event;
- 4) There shall be no exemption of payment of the nonrefundable fee granted to charitable or non-profit organizations;
- 5) The special event application fee is non-refundable and permits that are issued are non-transferrable;
- 6) The subleasing or transfer of a permit is prohibited; and

- 7) A refundable security deposit in the amount of two times the application fee will be used to pay for all damages to property and equipment, and any damages in excess of the security deposit shall be billed to the applicant and shall be paid by said applicant upon receipt.

(Ordinance No. 2839, Added, 02/07/2011, Added Chapter 12.33 (Special Events))

Section 12.33.030 Permits.

No group, association or organization desiring to use park facilities for a particular purpose, as defined in Section 12.33.010, shall use any park facility without first obtaining a special events permit.

- 1) Applications for a special events permit must be filed with the City Clerk no less than thirty days prior to the first day of the special event;
- 2) Applicants must be over 18 years of age. Applicants and their guests must fully comply with the requirements of any special conditions attached to the permit, rules, all local ordinances, codes and regulations, as well as all State and Federal Laws;
- 3) Final event details must be submitted at least thirty days before the scheduled event. Details are to include all components of the event such as type of event, expected attendance, staging, tent usage, name of rental companies, entertainment, electricity needs, etc.;
- 4) The permit may be revoked or terminated at any time by the City if the applicant(s) and/or their guest(s) breaches any of these rules, violates any other laws, ordinances, rules, or regulations, or if the City, in the exercise of its sole and absolute discretion, deems it necessary to revoke the permit to ensure the public's health, safety, welfare, or enjoyment of the public property;
- 5) Permission will be required for any person or group to bring and use an electrical device with special power requirements;
- 6) Applicants must provide the following information (as applicable):
 - a. Traffic and parking plan (parking area, street closing or one-way restrictions, traffic control points where police assistance may be needed and overflow parking areas), anticipated crowds, and estimated attendance;
 - b. Contingency plans for rain (relocation or rescheduling of events, alternative parking areas, method of notifying the public of changes);
 - c. Proof of liability insurance with the City of Columbia named as an additional insured in the minimum amount of \$1,000,000;
 - d. Refundable security deposit to protect City facilities;
 - e. Supplemental liquor license;
 - f. Plans for toilet facilities;

- g. A list of for-profit vendors and sales tax numbers (to verify sales tax is collected and remitted);
- h. Name and phone number of person in charge of event, and secondary contact; and
- i. Special request(s) for specified City-provided assistance from CPD, CFPD, DOPW, EMS and CEDD.

7) Applicants must have a copy of the signed permit with them at the event.

(Ordinance No. 2923, Amended, 01/17/2012, Items 1 & 3 removed "14 days" & added "30 days" & Item 6-i removed "CVFD" & added "CFPD"; Ordinance No. 2839, Added, 02/07/2011, Added Chapter 12.33 (Special Events))

Section 12.33.040 Permit approval.

- 1) The Director of Community and Economic Development shall review and may approve certain special events provided that the events are requested by an existing licensed business within the City, are held on City property and do not require the coordination of City departments as defined under Section 12.33.010;
- 2) All other requests for special events not approved by the Director of Community and Economic Development shall go before the City Council for approval; and
- 3) Applications will be considered on a first come, first served basis from the actual date and time a completed application and fee are received by the City.

(Ordinance No. 2839, Added, 02/07/2011, Added Chapter 12.33 (Special Events))

Section 12.33.050 Insurance requirements.

- 1) The City of Columbia requires the group or individual to obtain a special event insurance policy;
- 2) The City shall be named as an additional insured in the minimum amount of \$1,000,000;
- 3) The applicant hereby agrees to indemnify and hold the City and its officers, employees and agents harmless from any and all claims for damages or injuries to persons or property resulting from the issuance of the permit or their use of the park or pavilion, and the applicant will be responsible for the group's behavior and actions at all times;
- 4) The City assumes no liability or responsibility for loss of property or for injury or damage to person(s) or property that may be sustained while on City-owned premises, and the applicant hereby releases and agrees to hold the City harmless from the same; and
- 5) The City expressly disclaims any warranty or representation as to the suitability or condition of the park or pavilion, and the applicant and applicant's guests enter at their own risk.

(Ordinance No. 2839, Added, 02/07/2011, Added Chapter 12.33 (Special Events))

Section 12.33.060 Set-up/clean-up.

- 1) Set-up cannot begin before park opening;
- 2) Breakdown and clean-up must end by park closing, except as set forth under Section 12.32.20;
- 3) Events involving entertainment or sound equipment must end by park closing or 9 P.M., whichever occurs first, except as set forth under Section 12.32.20;
- 4) If a tent or other temporary facility will be used or erected, the applicant shall obtain all necessary permits or approvals from the City of Columbia Building Inspection Department prior to the event;
- 5) Applicant is allowed to erect or locate a tent or temporary structure immediately prior to the scheduled event and to leave the tent or temporary structure in place after the conclusion of the scheduled event for a reasonable time without incurring additional rental charges from the City, so long as its presence does not conflict or interfere with the City's, the public's, or another applicant's use of the park or other facility;
- 6) Temporary signage shall be permitted as provided for in the sign ordinance of the city or as otherwise approved by City Council;
- 7) Clean-up must occur during the event as needed and litter picked up. All trash accumulated during the event must be placed in receptacles for City pick-up; and
- 8) At the conclusion of the event, a representative of the City will inspect the area. If the applicant has not cleaned up the event premises and restored it to its original condition, the City will clean up the event premises and charge the applicant for the service.

(Ordinance No. 2839, Added, 02/07/2011, Added Chapter 12.33 (Special Events))

Section 12.33.070 Restrooms.

- 1) If portable toilets are to be used, this must be indicated on the application form;
- 2) Portable restroom facilities must be set up and removed with 24 hours of the event. Location must be coordinated with the DOPW;
- 3) Applicant shall provide adequate and sanitary portable restroom facilities from a company licensed by the Monroe County Health Department in such quantity and type as required by all applicable federal, state or local laws;
- 4) Said portable restroom facilities are required to be present and operational at all times during the event, but they may be installed immediately prior to the scheduled event and removed within a reasonable time after the conclusion of the event without incurring additional rental charges from the City;

- 5) All portable restroom facilities shall be relocated or moved at the request of the City to minimize their disruption on the public or their unsightliness;
 - 6) Applicant shall obtain all necessary permits or approvals from the Monroe County Health Department prior to the event; and
 - 7) Applicant is responsible for contacting the Monroe County Health Department to find out if they comply with the Health Department's rules and regulations.
- (Ordinance No. 2839, Added, 02/01/6475, Added Chapter 12.33 (Special Events))

Title 13

PUBLIC SERVICES

Chapters:

13.02	ACCESS TO PUBLIC SERVICES
13.04	WATER SERVICE SYSTEM GENERALLY
13.08	WATER SERVICE RATES AND CHARGES
13.12	WATER SERVICE TERMINATION PROCEDURES
13.16	SEWER SERVICE SYSTEM GENERALLY
13.20	SEWER SERVICE RATES AND CHARGES
13.24	WATER AND SANITARY SEWER COST RECOUPMENT PROGRAM
13.28	CROSS-CONNECTIONS

Chapter 13.02

ACCESS TO PUBLIC SERVICES

Sections:

13.02.010 Annexation to the City.

Section 13.02.010 Annexation to the City.

No person shall receive water or sewer service from the City without annexation into the corporate limits of the City, unless the City has an agreement with the owner of the property for such annexation.

(Ordinance No. 3373, Added, 02/05/2018, Added Chapter 13.02, Access to Public Services, Section 13.02.010 Annexation to the City.)

Chapter 13.04

WATER SERVICE SYSTEM GENERALLY

Sections:

13.04.010	Creation of department.
13.04.020	Department head.
13.04.030	Care and custody of waterworks.
13.04.040	Enforcement of provisions.
13.04.050	Use and service applications.
13.04.060	Service connection.
13.04.070	Service connection fee.
13.04.080	Plumbing.
13.04.090	Turning on service.
13.04.100	Resale of water.
13.04.110	Tampering.
13.04.120	City not liable.
13.04.130	Water main extensions.
13.04.140	Building plumbing--Pressure.
13.04.150	Steam boilers--Connections prohibited.
13.04.160	Fire hydrants.
13.04.170	Cost of installation and maintenance.
13.04.180	Pipes.
13.04.190	Specifications.
13.04.200	Corporation cock.
13.04.210	Copper pipe.
13.04.220	Stopcock or test cock meter with meter yoke.
13.04.230	Meter boxes.
13.04.240	Meters.
13.04.250	Equipment on private property subject to inspection.
13.04.260	Meters required.
13.04.270	Meter location.
13.04.280	Reading meters.
13.04.290	Meters tested by request-- Deposit.
13.04.300	Inaccurate meter.
13.04.310	Rates.
13.04.320	Bills.
13.04.330	Nonpayment.
13.04.340	Construction contractors.
13.04.350	Lien--Notice of delinquency.
13.04.360	Foreclosure of lien.
13.04.370	Violation--Penalty.

Section 13.04.010 Creation of department.

There is created the water department, an executive department of the city. The water department shall consist of the superintendent of maintenance, who shall be the head of the department, and such number of other officers and employees as may be assigned thereto. (Prior code § 38-1-1)

Section 13.04.020 Department head.

The superintendent of maintenance shall be the head of the water department, and responsible for the efficient management thereof. All officers and employees assigned to this department shall perform their duties subject to his control and supervision, and shall obey all instructions and orders given by him. (Prior code § 38-1-2)

Section 13.04.030 Care and custody of waterworks.

The superintendent of maintenance shall have care and custody of the municipal water supply system, and all equipment, pipes and machinery pertaining thereto. He shall be responsible for the care of all such property, and for the efficient management of the water supply system. (Prior code § 38-1-3)

Section 13.04.040 Enforcement of provisions.

The superintendent and all officers and employees in the water department, shall be charged with and see to the enforcement of this chapter and all laws pertaining to the water supply system. (Prior code § 38-1-4)

Section 13.04.050 Use and service applications.

Applications for the use and service of utilities that include water, sewer and garbage pickup shall be made in writing to the city clerk and shall contain an agreement by the applicant to abide by and accept all of the provisions of this title as conditions governing the use of city utilities. All applications for utility service shall be made by the property owner and the property owner shall bear the responsibility for the payment of the city's utility bills for the city's utility service; except, a property owner may request that the city collector send the utility bills in the name of a person or party other than the property owner (for example, where the property owner has a tenant in possession of the property served by the city's utility service); provided, that third party's written consent is filed with the city's collector, in which event, the property owner or said third party shall be required to deposit with the city's collector an amount to be set by city ordinance from time to time, to be used and applied to the payment of delinquent utility bills and the unused portion thereof refunded to the depositor upon a change in the registration of said utility account. Notwithstanding in whose name the utility service is registered, ultimate responsibility for the payment of city utility bills shall be deemed to be that of the property owner. The utility service transfer, turn-on and turn-off fees

for new, current or old customers, regardless of reason, will be an amount to be set by city ordinance from time to time, per trip made by the public works department. A final reading fee will not be charged to rental customers.

(Ord. 1094 § 2, 1993: prior code § 38-1-5)

Section 13.04.060 Service connection.

No connection with a water main shall be made without a permit being issued and twenty-four (24) hours notice having been given to the superintendent.

All such connections shall be made by or under the supervision of the superintendent.

Before connection is made with water distribution system, the premises to be served must be equipped with a meter and meter box properly installed on the service pipe. When the meter is located within a building, a copper service pipe shall be installed from the meter box to the meter and shall be at least three feet underground. No installation shall be covered until it has been inspected by the superintendent and found to be satisfactory. (Prior code § 38-1-6)

Section 13.04.070 Service connection fee.

The connection fee shall be as prescribed by the city code establishing charges and rates for the use and service of the waterworks system.

No connection shall be made by any person not authorized by the city council. (Prior code § 38-1-7)

Section 13.04.080 Plumbing.

No water shall be turned on for service on premises in which the plumbing does not comply with the provisions of the plumbing regulations of the city; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this title. (Prior code § 38-1-8)

Section 13.04.090 Turning on service.

No water from the city water supply shall be turned on for service into any premises by any person but the superintendent, or other city employee authorized by him to perform this service. (Prior code § 38-1-9)

Section 13.04.100 Resale of water.

No water shall be resold or distributed by the recipient thereof from the city water supply to any premises other than that for which application has been made and the meter installed; except: (1) in case of emergency; or (2) by resolution of the city on application duly made and

approved by the city council. (Ord. 514 § 1, 1982: prior code § 38-1-10)

Section 13.04.110 Tampering.

It is unlawful for any person not authorized by the city to tamper with, alter or injure any part of the city waterworks or supply system or any meter or any city fire hydrant. (Prior code § 38-1-11)

Section 13.04.120 City not liable.

The city reserves the right to shut off water in any of the mains in its distribution system, without notice and at any time, for the purpose of repairing, clearing or making extensions to the same, or for the purpose of concentrating water in any part of the city in case of fire, or for any other cause. No claim shall be made against the city for damages arising out of the breaking of any service pipe or its connections, or on account of the shutting off of the water as above provided, or from the freezing or bursting of any pipes or fixtures, or on account of the failure of the city to furnish an adequate supply at all times. (Prior code § 38-1-12)

Section 13.04.130 Water main extensions.

The expense for material and installation of water main extensions or other water line improvements must be borne and paid for in their entirety by the property or properties benefitted by such extension or improvement, except in instances of subdivisions. Any such extension or improvement shall become the property of the city as part of the general waterworks system and shall be constructed and maintained in accordance with the provisions of the codes or regulations of the city dealing with the construction and maintenance of the water system. (Prior code § 38-1-13)

Section 13.04.140 Building plumbing--Pressure.

All plumbing constructed on premises to be supplied with water from the waterworks system of the city shall be capable of withstanding a working pressure of one hundred (100) pounds pressure per square inch without leakage. (Prior code § 38-1-14)

Section 13.04.150 Steam boilers--Connections prohibited.

No consumer will be permitted to supply pressure steam boilers, feed pumps, injectors or like appliances to be connected directly with the water service pipe. (Prior code § 38-1-15)

Section 13.04.160 Fire hydrants.

All hydrants shall be owned, maintained, and used only by the city. Use of water from fire hydrants by contractors and others shall be only upon permission by the city, after approved

application to the city.

The city shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside the city limits, or the pressure or amount of water obtainable therefrom, or any damages, either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

All public fire hydrants outside of any city limits owned by the city will be maintained in as good order as reasonably possible, but the city will not undertake or assume any responsibility or liability for their condition, use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fire, except when the city may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them. (Prior code § 38-1-16)

Section 13.04.170 Cost of installation and maintenance.

On all service connections for residents, business or industrial purposes, the city will furnish and install the curb cock, box and meter and service pipe from the main to the property line of the premises served, and at the cost of the owner of the property to be served or the applicant for the service. Such installation shall be under the supervision of the city's superintendent of maintenance.

All service pipes and connections from the water mains and lines of the city to the property line of the premises served by the connection to the city water system main shall be maintained at the expense of the property owner(s) of the property served by the connection (after it is installed by the city), and any leaks or defects in the same shall be promptly repaired by the property owner(s), or if not promptly repaired the water shall be or remain turned off until such repairs have been made, and the expense thereof shall be charged against the owner(s), and must be paid before the water service shall be turned on again. The cost of the maintenance and repair of such service connections shall be the responsibility of the property owner(s) even where said water main connecting line runs under a public street or a public right-of-way, or use a public easement. (Ord. 726 § 1, 1988: prior code § 38-1-17)

Section 13.04.180 Pipes.

No service pipe shall be installed unless it conforms to the specifications of the State Plumbing Code, which is hereby adopted, three copies of which are kept on file in the office of the city clerk. (Prior code § 38-1-18)

Section 13.04.190 Specifications.

All water service connections made to the mains of the waterworks system of the city shall be made substantially in the following manner:

An all brass corporation cock with both ends threaded shall be tapped into the body of the water main at a distance of not less than one foot from any bell or spigot joint on the water main to be tapped and shall be set at a point on the pipe at an approximate angle of forty-five (45) degrees from the vertical. From the corporation cock, a one-eighth bend tail piece connected thereto shall be run a copper pipe to a point immediately in front of the sidewalk or property line at which point, there shall be installed an all brass service stopcock. On each end of the brass or copper there shall be a suitable brass or copper coupling for making connections with the

corporation cock and curb cock. (Curb cock to be part of the meter yoke, which shall be placed in the meter box.) The copper pipe shall be laid with sufficient waves, and where the same is connected with corporation cock shall have a goose neck or bend supported by brick or stone so as to prevent damage from the settling of earth. All pipe used in trenches or other concealed construction on the service side of the meter shall be of Type K copper. The service charge provided in this chapter includes all labor, material and equipment up to and including the meter box, meter yoke, stopcock placed in Y or T connection and meter box cover. From the meter box, the owner will be required to continue the pipe line to and upon the premises to be supplied with water at his own expense. (Prior code § 38-1-19)

Section 13.04.200 Corporation cock.

The standard corporation cock to be used in making service connections with water mains in the city shall be sufficiently heavy to withstand the strain of screwing into the water main, and the weight of the pipe. Connected with the end of the corporation cock, there shall be a brass one-eighth bend tail piece with a suitable union for connection with the copper pipe. The corporation cock shall be capable of withstanding a minimum of two hundred (200) pound hydraulic pressure test. (Prior code § 38-1-20)

Section 13.04.210 Copper pipe.

All copper used in making connections between the water main and curb cock shall be capable of withstanding an hydraulic pressure test of not less than one hundred (100) pounds and equivalent in strength and capacity of the Rome Brass and Copper Company Type K copper pipe. (Prior code § 38-1-21)

Section 13.04.220 Stopcock or test cock meter with meter yoke.

Single or double stopcock or test cock meter with meter yoke shall be placed within the meter box and shall be capable of withstanding two hundred (200) pounds hydraulic pressure test. (Prior code § 38-1-22)

Section 13.04.230 Meter boxes.

Meter boxes shall be placed between the sidewalk and the curb unless the city finds it impractical to do so. (Prior code § 38-1-23)

Section 13.04.240 Meters.

The meters to be used by the city in its service lines shall be of the disc type and shall be of a standard pattern, equal in workmanship, material and efficiency to the Badger, or approved equal. All meters shall be of the ordinary straight or three-dial reading type and shall show the number of gallons of water consumed. They shall be constructed to withstand a normal working pressure of

not less than one hundred (100) pounds and a test pressure of one hundred fifty (150) pounds.

When required by the city, water meters shall be equipped with an automatic read, Sensus Make, Metering System Meter Transfer Unit, Model 520R Pit Set or of a different like kind equal in workmanship, material, design and efficiency as the Sensus make metering device which is approved by the city engineer.

(Prior code § 38-1-24)

(Ordinance No. 2537, Amended, 03/19/2007, Specs for water meters.)

Section 13.04.250 Equipment on private property subject to inspection.

All water meters, fixtures and appurtenances owned by the city which are placed on private property shall be subject to inspection by city officials or employees appointed to perform such duties. The city also reserves the right to make any necessary repairs to meters, water fixtures and appurtenances which are placed on private property. (Prior code § 38-1-25)

Section 13.04.260 Meters required.

A. No person, firm or corporation shall connect any water pipe or conduct water supplied by the City water supply into two (2) distinct premises or tenements unless separate and distinct service stopcocks shall be provided for each, nor shall City water be so connected to separate premises unless each premises is provided with a separate meter; provided, that the City declares that nursing homes, shelter care facilities, hospitals, hotels and motels are said to be commercial and billed according to single metered rates.

B. All premises using the city water supply must be equipped with an adequate water meter furnished by the city, but paid for by the consumer.

C. A contractor/land developer needing to use city water to clean streets, sanitary and/or storm sewers, curbs, gutters, the exterior of newly constructed buildings and/or other infrastructure or land improvements and intending to connect to a fire hydrant for such uses and purposes, shall be subject to the following regulations pertaining to use of a city water meter therefor and shall be required to proceed as follows:

1. The contractor/land developer ("applicant") shall obtain from the office of the city clerk a "Hydrant Meter Rental Agreement" form which the applicant shall complete, sign and file with the City Clerk.

2. The applicant will be required to pay for repairs necessary to be made to the water meter they are leasing from the city due to damage caused to the water meter by the applicant's use thereof, and the rental agreement form shall so provide.

3. The applicant shall pay to the City Clerk such rental fee as is, from time to time, provided for in the fees and rates schedules on file with the city clerk's office, as amended.

4. The applicant will not be allowed to retain the possession and use of the rental water meter in excess of fourteen (14) consecutive days without returning the meter and reapplying for a new water meter lease.

5. The applicant will be billed for all water taken from the fire hydrant in accordance with the water meter rate charges of the city as from time to time set forth in the fees and rates schedules on file with the City Clerk's Office, as amended.

6. If the water is being used to flush and clean sanitary sewer lines, the applicant shall be billed for the use of the sanitary sewer in accordance with the sewer rate charges set forth in the fees and rates schedules on file with the City Clerk's Office, as amended.

SECTION 13.04.260 AMENDED BY ORDINANCE NO. 3236 APPROVED ON 01/19/2016. NEW ORDINANCE IS ABOVE, OLD ORDINANCE BELOW.

A. All premises using the city water supply must be equipped with an adequate water meter furnished by the city, but paid for by the consumer.

B. A contractor/land developer needing to use city water to clean streets, sanitary and/or storm sewers, curbs, gutters, the exterior of newly constructed buildings and/or other infrastructure or land improvements and intending to connect to a fire hydrant for such uses and purposes, shall be subject to the following regulations pertaining to

use of a city water meter therefor and shall be required to proceed as follows:

1. *The contractor/land developer ("applicant") shall obtain from the office of the city clerk a "Hydrant Meter Rental Agreement" form which the applicant shall complete, sign and file with the city clerk.*
2. *The applicant will be required to pay for repairs necessary to be made to the water meter they are leasing from the city due to damage caused to the water meter by the applicant's use thereof, and the rental agreement form shall so provide.*
3. *The applicant shall pay to the city clerk such rental fee as is, from time to time, provided for in the fees and rates schedules on file with the city clerk's office, as amended.*
4. *The applicant will not be allowed to retain the possession and use of the rental water meter in excess of fourteen (14) consecutive days without returning the meter and reapplying for a new water meter lease.*
5. *The applicant will be billed for all water taken from the fire hydrant in accordance with the water meter rate charges of the city as from time to time set forth in the fees and rates schedules on file with the city clerk's office, as amended.*
6. *If the water is being used to flush and clean sanitary sewer lines, the applicant shall be billed for the use of the sanitary sewer in accordance with the sewer rate charges set forth in the fees and rates schedules on file with the city clerk's office, as amended. (Ord. 1602 § 1, 1997: prior code § 38-1-26)*

(Ordinance NO. 3236, Amended, 01/19/2016, Amended Section 13.04.260 Meters Required of Municipal Code.)

Section 13.04.270 Meter location.

Meters shall be installed in a location designated by the city. (Prior code § 38-1-27)

Section 13.04.280 Reading meters.

The superintendent shall read, or cause to be read, every water meter used in the city at such time as is necessary that the bills may be sent out at the proper time. (Prior code § 38-1-28)

Section 13.04.290 Meters tested by request-- Deposit.

A customer may request a water meter to be tested for accuracy, which test will be made by the city public works department. Each request for the testing of a meter for a water line less than one inch in diameter shall be accompanied by a deposit in an amount to be set by city ordinance from time to time. Each request for the testing of a meter for a water line in excess of one inch in diameter shall be accompanied by a deposit in an amount to be set by city ordinance from time to time. If the meter tested shall be found to be accurate, the deposit shall be retained by the water department of the city as compensation for the test; and, if the amount of the deposit is insufficient to pay for the total cost of the test, then the customer shall be liable for the deficiency and same shall be billed to the customer with the customer's next city water bill. If the meter tested is found to be inaccurate, then the cost of the test shall be borne by the city's water department, the deposit shall be refunded to the customer, and the customer's water bill shall be adjusted in accordance with the results of the test. (Ord. 1094 § 1, 1993: prior code § 38-1-29)

Section 13.04.300 Inaccurate meter.

The quantity of water recorded by the meter shall be accepted as correct by both the customer and the water department, except when the meter has been found to be registering inaccurately, or has ceased to register. In either case, the meter will be promptly repaired by the water department, and the quantity of water used will be determined by the registration of the meter in the same period for the preceding year. (Prior code § 38-1-30)

Section 13.04.310 Rates.

All property upon which any building has been or may be hereafter erected having a connection with the city water system shall pay the rates charges established as now in effect or as may be amended in the future. (Prior code § 38-1-31)

Section 13.04.320 Bills.

Bills for water used shall be sent out by the city clerk. Bills for water used and payment therefor shall be in accordance with the city code. (Prior code § 38-1-32)

Section 13.04.330 Nonpayment.

The city reserves the right to discontinue water service to any premises on account of nonpayment of rentals or where the owner or the tenant of such premises is guilty of a violation of the provisions of this title, and where such service is discontinued and the water shut off or stopped, whether by the city for the causes aforesaid or at the request of the property owner, the water shall not again be turned on or supplied to such premises until it shall appear that all delinquent charges due the city for water previously furnished have been paid and there is no existing default or violation of any of the provisions of this title, or any other applicable city code. (Prior code § 38-1-33)

Section 13.04.340 Construction contractors.

During construction of any building, and before any water meter is installed, as is herein provided, the contractor so constructing such building may be permitted to use the city water supply by making application therefor, and paying the metered rates prescribed by the city codes. (Prior code § 38-1-34)

Section 13.04.350 Lien--Notice of delinquency.

Charges for water shall be lien upon the premises as provided by statute. Whenever a bill for water services remains unpaid sixty (60) days after it has been rendered, the city clerk shall file with the county recorder of deeds in the county in which such real estate is located, a sworn statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, the date when such amount became delinquent, and a notice that

the city claims a lien for this amount, as well as for all charges for water service subsequent to the period covered by the bill.

If the consumer of water whose bill is unpaid is not the owner of the premises, and the city clerk has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered.

The failure of the city clerk to record such lien claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid water bills as mentioned in the foregoing paragraph. (Prior code § 38-1-35)

Section 13.04.360 Foreclosure of lien.

Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case of the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the city.

The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matters, against any property for which the bill for water has remained unpaid sixty (60) days after it has been rendered. (Prior code § 38-1-36)

Section 13.04.370 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 38-1-37)

Chapter 13.08**WATER SERVICE RATES AND CHARGES****Sections:**

- 13.08.010 Rates established.**
- 13.08.020 Family residence defined.**
- 13.08.030 Fire protection charge.**
- 13.08.040 Change in rates.**
- 13.08.050 All service to be by meter.**
- 13.08.060 Reading meters and billings.**
- 13.08.070 Discontinued service and resumption.**

Section 13.08.010 Rates established.

There are established rates for water and water service in the city in the amount and for the term to be set by city ordinance from time to time. (Amended during 1997 codification; Ord. 1031 § 1, 1992: Ord. 680 § 1, 1987: prior code § 38-2-1)

Section 13.08.020 Family residence defined.

For the purposes of the rate schedules established from time to time by city ordinance, a "family residence" is defined as the building or unit of a building designed or used exclusively as the living quarters for one or more persons and shall include a room or suite of rooms in a multifamily structure, which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains one or more of the following: kitchen, bath or toilet facilities. (Amended during 1997 codification; Ord. 681 § 1, 1987: prior code § 38-2-2)

Section 13.08.030 Fire protection charge.

The city declares that one dollar (\$1.00) per month of the amount in minimum rate schedules numbered 2 and 4 and the entire amount charged in rate schedule number 7 as set from time to time by city ordinance is for fire protection. Whenever any premises liable for the above charge for fire protection is located within the boundaries of any fire protection district, the proper authorities of the city will accept from such fire protection district or such public water district, the annual amount due with respect to any such premises for fire protection. Any amount so paid by any fire protection district or public water district shall be paid on an annual basis. All payments shall be made annually, in advance, on or before the first day of January of each year. (Amended during 1997 codification: Ord. 682 § 1, 1987: prior code § 38-2-3)

Section 13.08.040 Change in rates.

If, at any time, the rates fixed by city ordinance from time to time shall not be sufficient to provide the necessary funds to meet all the requirements of Ordinance Number 176, passed and approved November 19, 1951, authorizing the issuance of waterworks revenue bonds of the city in the sum of two hundred fifteen thousand dollars (\$215,000.00), and Ordinance Number 239, passed and approved October 3, 1960, authorizing the issuance of waterworks revenue

bonds of the city in the sum of two hundred sixty thousand dollars (\$260,000.00), the rates established shall be revised so as to fully meet the requirements of said ordinances. (Amended during 1997 codification; prior code § 38-2-4)

Section 13.08.050 All service to be by meter.

All water services shall be rendered through water meters, except for nonmetered fire hydrants as herein provided and it shall be the duty of the proper officials of the city to cause proper meters to be installed for all new meter customers and for all premises receiving water which are not metered and to maintain such meters. The size of the water meter to be installed in any given premises shall be determined by the city. (Prior code § 38-2-5)

Section 13.08.060 Reading meters and billings.

All meters shall be read monthly and bills for water service shall be rendered monthly. If payment of any bill is not made on or before the fifteenth day of the month following the period for which service was rendered, a delayed payment charge of five percent of the amount of the bill shall be imposed and shall be collected as a part of the monthly charge for the water. The five percent delayed payment charge will only apply to the unpaid balance for water service charges and shall not include or be applied to the amount of any accrued interest. (Per Ordinance 3153 passed and approved 12/15/2014.)

OLD (Amended by Ordinance 3153 passed and approved 12/15/2014) All meters shall be read monthly and bills for water service shall be rendered monthly. If payment of any bill is not made on or before the fifteenth day of the month following the period for which service was rendered, a delayed payment charge of five percent of the amount of the bill shall be imposed and shall be collected as a part of the monthly charge for the water. (Ord. 1170 § 1, 1993: prior code § 38-2-6)

(Ordinance No. 3153, Amended, 12/15/2014, Amended delayed payment charges.)

Section 13.08.070 Discontinued service and resumption.

If bills for water or nonmetered fire hydrant service are not paid by the fifteenth of the month subsequent to their rendition, water service to the premises shall be discontinued and shall not be resumed until such time as all past due bills have been paid and until there shall have been paid an additional service charge in an amount to be set by city ordinance from time to time, for restoration of water service. Bill remaining unpaid sixty (60) days after rendition shall constitute a lien upon the real estate to which the service has been rendered. The clerk is authorized and directed to file notice of such lien in the office of the county recorder of deeds, and to pursue such legal action as is necessary to collect the delinquent charges. (Amended during 1997 codification: prior code § 38-2-7)

Chapter 13.12**WATER SERVICE TERMINATION PROCEDURES****Sections:**

- 13.12.010** **Procedure for disconnection of city water service.**
- 13.12.020** **Notice of termination.**
- 13.12.030** **Informal resolution of a problem with an account.**
- 13.12.040** **Informal hearing.**
- 13.12.050** **Credit extension.**
- 13.12.060** **Reinstatement of service.**
- 13.12.070** **Inclement weather.**

Section 13.12.010 **Procedure for disconnection of city water service.**

The authorized representatives of the city shall abide by the following internal procedures for disconnection and reconnection of city water service for city customers who are in default on payment of their water charges or who are in violation of the city's regulations regarding city water service. (Ord. 1093 § 1 (part), 1993)

Section 13.12.020 **Notice of termination.**

If the rates and charges for water service, including all penalties, are not paid within thirty (30) days of the due date of the current bill, or if the water customer has been found in violation of any of the ordinances, rules and regulations of the City with regard to city water service, the City may discontinue such water service after the City Clerk's mailing of a seven-day written notice to the user or customer of the service, by first-class mail, or by personal delivery, or by posting the notice on the premises to be disconnected, of the City's intention to discontinue service. If the user or customer is not the owner of the premises served, the seven-day written notice shall also be mailed by first-class mail to the owner of the premises if his or her name and address has previously been registered with the City Clerk for the purpose of receiving such notices. The notice shall clearly state the number of days the account is in arrears and the balance due including any penalty charges, or if applicable, the ordinance, rule or regulation which is alleged to have been violated. The notice shall also contain the name, title, address, office hours and telephone number of the City Clerk, whom the customer may contact for an informal resolution of the customer's complaints in cases of disputes concerning the amount due or other problems with the account; and the fact that the customer is entitled to a hearing on his complaint before the City Water Committee of the City

Council if the complaint cannot be informally resolved.

Subject to the notice and procedural provisions required by this Chapter, if a customer has one or more installations for which a bill remains unpaid, the City shall have the right to disconnect or refuse water service to any or all of the customer's other installations.

AMENDED BY ORDINANCE 3242 ON 02/01/2016. SEE NEW ORDINANCE INFORMATION ABOVE.

If the rates and charges for water service, including all penalties, are not paid within thirty (30) days of the due date of the current bill, or if the water customer has been found in violation of any of the ordinances, rules and regulations of the city with regard to city water service, the city may discontinue such water service after the city clerk's mailing of a seven-day written notice to the user or consumer of the service, by certified mail, return receipt requested, or by personal delivery, or by posting the notice on the premises to be disconnected, of the city's intention to discontinue service. If the user or consumer is not the owner of the premises served, the seven-day written notice shall also be mailed by certified mail, return receipt requested, to the owner of the premises if his name and address has previously been registered with the city clerk for the purpose of receiving such notices. The notice shall clearly state the number of days the account is in arrears and the balance due including any penalty charges, or if applicable, the ordinance, rule or regulation which is alleged to have been violated. The notice shall also contain the name, title, address, office hours and telephone number of the city clerk, whom the customer may contact for an informal resolution of the customer's complaints in cases of disputes concerning the amount due or other problems with the account; and the fact that the customer is entitled to a hearing on his complaint before the city water committee of the city council if the complaint cannot be informally resolved.

Subject to the notice and procedural provisions required by this chapter, if a customer has one or more installations for which a bill remains unpaid, the city shall have the right to disconnect or refuse water service to any or all of the customer's other installations. (Ord. 1093 § 1(A), 1993)

(Ordinance No. 3242, Amended, 02/01/2016, Amend Section 13.12.020 of Municipal Code regarding mailing of notices for discontinuation of water service via first-class mail.)

Section 13.12.030 Informal resolution of a problem with an account.

If a customer or user calls, visits or writes the city clerk complaining of an overcharge or other problem with the account, the city clerk shall do one or more of the following:

- A. Render a decision within ten days from the date of receipt of a customer's or user's oral or written complaint and stay termination of service until the city clerk renders a decision or until all appeals are exhausted, whichever is later;
- B. Conduct an investigation, including but not limited to, a meter check at the subject premises, to determine errors in billing, leaks, and illegal connections;
- C. Establish a written credit plan, as permitted by this title, in cases of proven financial difficulties by the customer;
- D. If the city clerk finds merit to the dispute and upon approval of the city council,

make an adjustment of the customer' s or user' s bill;

E. If the city clerk finds that the dispute has no merit, he shall communicate that decision to the customer or user by certified mail, return receipt requested, by personal delivery, or by posting of the decision on the premises to be disconnected. The notice of the decision shall specify that if the account is not paid or the customer or user does not appeal the decision on or before five days from the date of receipt of said notice, the water service shall be discontinued. (Ord. 1093 § 1(B), 1993)

Section 13.12.040 Informal hearing.

Any customer or user may request a hearing before the city water committee of the city council within five days of the date of receipt of any notice of termination of service. If the water service customer or user requests a hearing, the hearing date shall be scheduled for a regular or special meeting of the city water committee of the city council and for a date convenient for the parties but no later than thirty (30) days from the date of the request. The hearing date and time shall be confirmed by first class U.S. mail. At such hearing, the customer or user shall have the right to be represented by counsel, to appear at the hearing in person, to present evidence in his or her or its own behalf and to examine any evidence which the city might introduce. The city water committee of the city council may conduct its own investigation of the customer' s or user' s complaint and may present any evidence to that effect at the hearing. Within ten days after the conclusion of the hearing, the city water committee of the city council shall render decision on the customer' s or user' s complaint. Such decision shall be communicated to the customer or user by certified mail, return receipt requested, by personal delivery, or by posting notice of the decision on the premises to be disconnected. If the decision is unfavorable to the customer or user, notice of the decision shall specify that if the account is not paid or the violation is not abated on or before five days from the date of receipt of notice, the water service shall be disconnected. (Ord. 1093 § 1(C), 1993)

Section 13.12.050 Credit extension.

When a customer' s or user' s utility bills are in arrears because of proven financial difficulties, and the customer or user has not defaulted on a previous credit extension, upon request to the city clerk, a ninety (90) day credit extension shall be given to the customer or user, whereby the customer or user shall pay his monthly bill on the basis of the following deferred payment schedule:

1st payment 1/3 of bill in arrears
(at end of thirty days) plus monthly current
 charges

2nd payment 1/2 of the remaining 2/3
(at end of sixty days) of the bill in arrears
 plus monthly current
 charges

3rd payment Last 1/3 due on the bill
(at the end of ninety in arrears plus monthly
days) current charges

If a customer or user defaults on the deferred payment schedule, all service bills in arrears shall be immediately due and payable and no further credit extensions shall be granted that customer or user. A new written notice as specified before shall be sent to the customer or user stating the new service termination date. No right of appeal or additional hearing shall be required or allowed prior to termination of the water service if the bill is not paid before the termination date. (Ord. 1093 § 1(D), 1993)

Section 13.12.060 Reinstatement of service.

If service is discontinued because of nonpayment of water bills or because of violation of any ordinances, rules or regulations of the city regarding water service, such service shall not be restored until all charges, costs and damages, if any, have been paid to the city clerk or the violation has been corrected. Prior to restoration, the additional sum in an amount as set by city ordinance from time to time shall be paid to the city clerk for the cost of reconnecting the service to the city water distribution service.

BELOW AMENDED BY ORDINANCE NO. 3399 ON 04/16/2018.

If service is discontinued because of nonpayment of water bills or because of violation of any ordinances, rules or regulations of the city regarding water service, such service shall not be restored until all charges, costs and damages, if any, have been paid to the city clerk or the violation has been corrected. Prior to restoration, the additional sum in an amount as set by city ordinance from time to time shall be paid to the city clerk for the cost of reconnecting the service to the city water distribution service during regular working hours. Regular working hours shall be from eight a.m. to four-thirty p.m., Monday through Friday, and shall not include holidays and weekends. However, if a customer requires the city maintenance department to make such a reconnection other than during regular working hours, then

the customer shall be required to pay a sum in an amount as set by city ordinance from time to time to cover the city's costs incurred for working city employees after regular working hours. (Amended during 1997 codification:

Ord. 1093 § 1(E), 1993)

(Ordinance No. 3399, Amended, 04/16/2018, Section 13.12.060 Reinstatement of Service amended.)

Section 13.12.070 Inclement weather.

Notwithstanding this chapter, water service shall not be terminated on any day when the official Weather Bureau forecast is for a temperature of below twenty (20) degrees Fahrenheit for the next twenty-four (24) hours nor may the service be shut off the day before a holiday or weekend when the official forecast calls for a temperature below twenty (20) degrees Fahrenheit for said holiday or weekend. (Ord. 1093 § 1(F), 1993)

Chapter 13.16**SEWER SERVICE SYSTEM GENERALLY****Sections:**

13.16.010	Creation of sewer department.
13.16.020	Superintendence over department.
13.16.030	Sewer system--Care and maintenance.
13.16.040	Enforcement of provisions.
13.16.050	Sewage disposal facilities required.
13.16.060	Septic and aeration systems.
13.16.070	Permits.
13.16.080	Fees.
13.16.090	Sewer service charges.
13.16.100	Garage drainage.
13.16.110	Prohibited substances--Injury.
13.16.120	Private sewers.
13.16.130	Existing drains and fixtures not to be damaged.
13.16.140	Surface drainage.
13.16.150	Cellar drain.
13.16.160	Steam or hot water drains prohibited.
13.16.170	Garbage prohibited.
13.16.180	Sewer systems to be kept separate.
13.16.190	Rainwater drains.
13.16.200	Cross-connections.
13.16.210	Lien--Notice of delinquency.
13.16.220	Foreclosure of lien.
13.16.230	Violation--Penalty.

Section 13.16.010 Creation of sewer department.

There is created the sewer department, an executive department of the city. The sewer department shall consist of the superintendent of maintenance, who shall be the head of the department, and such number of other officers and employees as may be assigned thereto. (Prior code § 38-3-1)

Section 13.16.020 Superintendence over department.

The superintendent shall be the head of the sewer department, and responsible for the efficient management thereof. All officers and employees assigned to this department shall perform their duties subject to his control and supervision, and shall obey all instructions and orders given by him.

He shall supervise the operation and maintenance of the sewage disposal plant, oxidation lagoon, pumping stations and all appurtenances thereto. (Prior code § 38-3-2)

Section 13.16.030 Sewer system--Care and maintenance.

- A. Municipal Sanitary Sewer System Under the Care and Custody of the City

Superintendent of Maintenance. The superintendent of maintenance shall have care and custody of the municipal sanitary sewer system and all equipment, pipes and machinery pertaining thereto. He shall be responsible for the care of all such property and for the efficient management of the sanitary sewer system. He shall see that all sewers of the city sewer system are kept in good repair, free from obstructions and breaks, and shall make all inspections necessary to enforce the city codes relating to sewers.

B. Maintenance of Service Pipes. All service pipes and fixtures from the sewer mains and lines of the city to the premises served by the connection to the city mains and/or lines shall be installed and maintained at the expense of the property owner(s) of the property served by the connection, and any leaks or other defects in the same shall be promptly repaired by the property owner(s), or if not promptly repaired the water shall be turned off until such repairs have been made, and the expense thereof shall be charged against such owner(s), and must be paid before the water service shall be turned on again. The cost of maintenance and repair of the lines shall be the responsibility of the property owner(s) even where the sewer service connections run under a public street or a public right-of-way, or use a public easement. (Ord. 725 § 1, 1988: prior code § 38-3-3)

Section 13.16.040 Enforcement of provisions.

The superintendent of maintenance and all officers and employees in the sewer department shall be charged with and see to the enforcement of all city code provisions relating to the sewer system. (Prior code § 38-3-4)

Section 13.16.050 Sewage disposal facilities required.

Every building or structure in the city used for residence, business, trade, industry or meeting purposes, where public sanitary sewer service is available, shall be equipped with properly constructed and installed adequate sewage disposal facilities. The plumbing in all such places shall conform to the codes of the city and the laws of the state relating thereto. (Prior code § 38-3-5)

Section 13.16.060 Septic and aeration systems.

Every building or structure in the city used for human occupation, including residences, businesses, trades, industry or buildings or structures used for meeting purposes, where public sanitary sewer service is not available, and which is not connected to the public sanitary sewer system of the city, shall be equipped with an adequate and properly functioning septic tank or aeration system, which will meet or exceed the following requirements, as follows:

A. Availability of Public Sewer Service. Public sanitary sewer service shall be deemed available when a public sanitary sewer line is located within any street or other right-of-way or utility easement that adjoins or abuts the premises for which a sewer service is required, or when the improvement to be served is located within two hundred (200) feet of a city sanitary sewer line to which the property can connect and to which there is no physical barrier or local ordinance or law prohibiting connection. Where said sanitary sewer service is available the property owner must pay the usual and customary connection or "tap-in" fee to the city and connect the improvement to be served by the connection to the city public sanitary sewer service.

Where a property in the city was authorized to have and install a private septic tank or

aeration system for sanitary sewage disposal on the premises and subsequently city sanitary sewer service becomes available for the property, the property owner will be required to connect to the city sanitary sewer system within three years after the city sanitary sewer service becomes available and they will thereafter disconnect their private sanitary sewer service.

B. Permit Required. It shall be the responsibility of the property owner to obtain a private sewage disposal system permit from the board of health of the county in which the property to be served by the septic tank or aeration system is located, or from such other and further or different county governmental regulatory authority as state law and county codes and ordinances require, before any construction is undertaken on a septic tank or aeration system in the city. No property owner qualified for and intending to install a private sewage disposal system on their property shall be entitled to receive a building permit to develop the property unless and until the property owner provides the city's building inspector with a copy of the private sewage disposal system permit issued by the county board of health or other appropriate governmental authority. Failure of a property owner to obtain the required permit or permits shall be deemed a violation of this code for which the property owner shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00); and each day a violation persists shall be deemed an additional and separate offense. Further, the city may obtain injunctive relief from the appropriate circuit court to enjoin a violation of this section.

C. Adoption of State Law and County Codes by Reference. Any property owner having or seeking to have and maintain in the city a septic tank or aeration system shall be required, at all times, to comply with the Private Sewage Disposal Licensing Act and Code of the state of Illinois, as from time to time amended, 255 ILCS 225/1 et. seq., as well as the health code and the private sewage disposal system code of the county where the property to be served by the septic tank or aeration system is located. The city adopts the Private Sewage Disposal Licensing Act and Code of the state of Illinois and the county codes and ordinances of St. Clair County, Illinois and of Monroe County, Illinois, pertaining to regulation of private sanitary sewer systems (including the Monroe County, Illinois Private Sewage Disposal System Code) and all subsequent amendments and revisions hereof, which are incorporated herein by reference. At least one copy of the state law and county codes and ordinances shall be kept on file in the office of the city clerk.

D. Aeration System Maintenance. Property owners who install aeration systems for private sanitary sewer service in the city shall be required to maintain the aeration unit in accordance with the manufacturer's specifications. The property owner shall be required to obtain and maintain at all times a continuing service policy with the manufacturer of the aeration unit, or shall have a licensed installation contractor or an agent maintain the same as long as the NSF standard is maintained. Alternatively, in lieu of a continuing service policy, the property owner shall have an independent certified laboratory test the effluent every six months for the following: (1) BOD₅, (2) suspended solids, (3) color, (4) threshold odor, (5) oily film, (6) foam, (7) chlorine residual (if applicable), and (8) fecal coliform count. The effluent shall be in compliance with the county codes. Copies of the service contract and copies of all test results shall be filed with the city clerk and the city clerk shall provide copies of the same to the city building inspector for filing in the office of the city building inspector.

E. Right of Inspection. It shall be the duty of the owner or occupant of a property in the city that has private sanitary sewer service by septic tank or aeration system, to give the health officer of the county in which the property is located as well as the city's building inspector or his designated agent and/or the city engineer free access to the property for the purpose of making such inspections as they deem necessary to determine compliance with requirements of this section. The owner or contractor seeking to install a septic tank or aeration system in or on property located in the city shall give a minimum of twenty-four (24) hours advance notice to the applicable county health officer to allow the officer an opportunity to

inspect the system before it is covered or placed in operation. Failure to do so could result in the responsible party being required to uncover the disposal system for inspection by the appropriate health officer or officers. (Ord. 1541 § 1, 1997: prior code § 38-3-6)

Section 13.16.070 Permits.

It is unlawful to make any connection with any city sewer without first having obtained a permit therefor. Applications for such permits shall be made to the city clerk on forms furnished by the city and shall be accompanied by a statement as to the purpose of such connection, the premises to be served and the specifications of such pipe to be connected and the drain from house to sewer pipe. Such applications shall be referred to the plumbing inspector; and no such permit shall be issued unless he shall have found that the code of the city would be complied with by making of such connection. (Prior code § 38-3-7)

Section 13.16.080 Fees.

The fees for such permits shall be as may be prescribed by city ordinance or resolution from time to time. (Prior code § 38-3-8)

Section 13.16.090 Sewer service charges.

Rates and charges shall be as adopted by the city council by ordinance now in effect or as may be amended in the future. (Prior code § 38-3-9)

Section 13.16.100 Garage drainage.

Floor drains in garages shall be connected with the storm sewage system; such drains shall have intercepting mud or grease traps adequate to prevent the flow of mud or grease into the sewer system. (Prior code § 38-3-10)

Section 13.16.110 Prohibited substances--Injury.

It is unlawful for any person to permit any gasoline, benzene or other volatile liquid to flow into any public sewer in the city; or to permit any material which might injure any part of the sanitary sewer system to flow into it. (Prior code § 38-3-11)

Section 13.16.120 Private sewers.

All private sewers from public sewer to the property line shall have an interior diameter of not less than six inches and inside the property line not less than four inches and shall be constructed of the best quality vitrified salt-glazed sewer pipe, with socket joints, made water-tight with Portland cement mortar. Every joint shall be cemented with mortar composed of one part of Portland cement and two parts of sand, and shall be dragged or swabbed while being laid

so as to leave smooth and free from obstruction. Such private sewer shall be laid to the line and grade, and the inclination, where practicable, shall be not less than two feet to one hundred (100) feet. Private sewer shall, wherever possible, be connected with public sewer at wye junctions provided, but if necessary to break into a public sewer a joint must be taken out and a new joint wye junction inserted. (Prior code § 38-3-12)

Section 13.16.130 Existing drains and fixtures not to be damaged.

All water pipes, service pipes, sewers, drains or other improvements or fixtures which may be encountered in making any excavation with any street or alley shall be protected against damage by reason of such excavation, and if any such damage shall result therefrom, the party to whom the permit to make such excavation was issued shall fully restore and repair the same. (Prior code § 38-3-13)

Section 13.16.140 Surface drainage.

It is unlawful for any person, firm or corporation to drain rainwater, roof drains, or surface water into a city sanitary sewer system. (Prior code § 38-3-14)

Section 13.16.150 Cellar drain.

Drains from cellars or basement floors may be connected with the public sewer system, if the same shall be properly trapped. The trap for cellar drains must have a seal of not less than six inches and must be kept primed. In case there is a danger of backwater from the sewer, a backwater waste trap shall be used. (Prior code § 38-3-15)

Section 13.16.160 Steam or hot water drains prohibited.

No steam exhaust blow-off or drip pipe shall connect with any house drain or sewer directly. Such pipe must discharge into a tank, basin or other condenser from which a suitable outlet to the public sewer may be provided and it shall be unlawful for any person, firm or corporation to discharge water of a higher temperature than one hundred twenty (120) degrees Fahrenheit into any public sewer in the city. (Prior code § 38-3-16)

Section 13.16.170 Garbage prohibited.

No garbage, butchers offal, dead animals, tin cans, fruits, vegetables, leaves, grass, ashes or any other articles or things whatsoever calculated to obstruct or likely to interfere with the efficient operation of the public sewer system, shall be placed or deposited in any drain, sewer or manhole, and any person, firm or corporation who shall violate the provisions of this chapter, or who shall injure, break, remove or damage any catch basin, manhole, lampholes, private or public drain of sewer, or any part of the public sewer system of the city shall be subject to penalties hereinafter prescribed. (Prior code § 38-3-17)

Section 13.16.180 Sewer systems to be kept separate.

The sanitary sewer system of the city is designed to carry off all liquid house wastes and it is unlawful for any person, firm or corporation to hereafter connect or cause to be connected any stormwater sewer with any such sanitary sewer or any part thereof, or to connect any such sanitary sewer with any stormwater sewer, or any part thereof, or to lead, conduct or carry or cause, suffer or permit to be held, conducted or carried, any such stormwater or surface drainage into or through any such sanitary sewer or any sanitary sewage into or through any stormwater sewer or to connect or cause to be connected in whole or in part, any such sanitary sewer or stormwater sewer. (Prior code § 38-3-18)

Section 13.16.190 Rainwater drains.

It is unlawful to construct or permit the construction of any stormwater drain which discharges water onto any sidewalk in the city, and it is unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than eighteen (18) inches above the ground or pavement. (Prior code § 38-3-19)

Section 13.16.200 Cross-connections.

It is unlawful to permit any sanitary sewage to flow into any storm sewer or any storm sewer to flow into any sanitary sewer. (Prior code § 38-3-20)

Section 13.16.210 Lien--Notice of delinquency.

Charges for sewer service shall be a lien upon the premises as provided by statute. Whenever a bill for sewer service remains unpaid sixty (60) days after it has been rendered, the city clerk shall file with the county recorder of deeds in the county in which such real estate is located, a sworn statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, the date when such amount became delinquent, and a notice that the city claims a lien for this amount, as well as for all charges for sewer service subsequent to the period covered by the bill.

If the sewer service customer whose bill is unpaid is not the owner of the premises, and the city clerk has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered.

The failure of the city clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid sewer service bills as mentioned in the foregoing paragraph. (Prior code § 38-3-21)

Section 13.16.220 Foreclosure of lien.

Property subject to a lien for unpaid sewer service charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting

costs, as is the case of the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the city.

The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matters against any property for which the bill for sewer service has remained unpaid sixty (60) days after it has been rendered. (Prior code § 38-3-22)

Section 13.16.230 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 38-2-23)

Chapter 13.20**SEWER SERVICE RATES AND CHARGES****Sections:**

13.20.010	Rates established for use and service.
13.20.020	All service to be by meter.
13.20.030	Excessive discharge--Additional approved meter(s) required.
13.20.040	Prorated charges.
13.20.050	Delinquent payment charge.
13.20.060	Occupant--Owner responsibility.
13.20.070	Billings.
13.20.080	Use of revenues.
13.20.090	Records--Annual audit.
13.20.100	Reading of meter--Delinquent charges.
13.20.110	Lien.
13.20.120	Access to records.

Section 13.20.010 Rates established for use and service.

The rates and charges for the use and service of the sanitary sewerage system of the city are established. Such charges and rates shall be made against each lot, parcel of land, or premises which may have an active sewer connection with the sanitary sewerage system of the city, or which may otherwise discharge sewage or industrial wastewater either directly or indirectly into the sewerage system or any part thereof and shall be in the amount and for the term to be set by city ordinance from time to time.

Every user receiving city sanitary sewer services, whether located within or outside of the corporate limits of the city, shall pay a monthly user charge calculated by adding a fixed administrative charge to a hydraulic unit charge. The hydraulic unit charge for residential customers is computed by multiplying the hydraulic unit charge rate by the average monthly water usage amount (in gallons) established by averaging the water usage meter reading totals for each respective account for the months of February, March and April; once calculated, each account's average monthly water usage amount (in gallons) will be used to calculate the monthly hydraulic unit charge for that account until the following calendar year when a new average monthly water usage amount (in gallons) will be established using the water usage meter reading totals for the months of February, March and April of that year. Residents with an average water usage of less than 1,000

gallons of water/month for meter readings taken during the average water usage establishing months of February, March and April will be charged a hydraulic unit charge based on 2,000 gallons of water usage per month. New residents will be billed at 2,000 gallons of water usage per month until they are able to establish a three month water usage average during the meter reading months of February, March and April. The water usage averaging described above is for residential customers only – the monthly hydraulic unit charge for commercial and industrial customers is computed by multiplying the hydraulic unit charge rate by each respective business's actual water usage (in gallons) for that month.

The fixed administrative charge and the hydraulic unit charge shall be in the amount and for the term to be set by city ordinance from time to time. A separate fixed administrative charge shall be assessed for each business operated within a commercial building or property, each room designated for lodging within a hotel or motel, and each domiciliary unit located within a unit or property designed to provide institutional or group type housing (including nursing homes, shelter care facilities, and retirement homes.)

**BELOW AMENDED BY ORDINANCE NO. 3281 APPROVED
09/06/2016.**

The rates and charges for the use and service of the sanitary sewerage system of the city are established. Such charges and rates shall be made against each lot, parcel of land, or premises which may have an active sewer connection with the sanitary sewerage system of the city, or which may otherwise discharge sewage or industrial wastewater either directly or indirectly into the sewerage system or any part thereof and shall be in the amount and for the term to be set by city ordinance from time to time.

Every user receiving city sanitary sewer services, whether located within or outside of the corporate limits of the city, shall pay a monthly user charge calculated by adding a fixed administrative charge to a hydraulic unit charge. Added per Ord. 3041 on 06/03/2013: The hydraulic unit charge for residential customers is computed by multiplying the hydraulic unit charge rate by the average monthly water usage amount (in gallons) established by averaging the water usage meter reading totals for each respective account for the months of February,

March and April; once calculated, each account's average monthly water usage amount (in gallons) will be used to calculate the monthly hydraulic unit charge for that account until the following calendar year when a new average monthly water usage amount (in gallons) will be established using the water usage meter reading totals for the months of February, March and April of that year. Residents with an average water usage of less than 1,000 gallons of water/month for meter readings taken during the average water usage establishing months of February, March and April will be charged a hydraulic unit charge based on 2,000 gallons of water usage/month. New residents will be billed monthly based on their actual water usage (per 1,000 gallons) until they are able to establish a three month water usage average during the meter reading months of February, March and April. The water usage averaging described above is for residential customers only – the monthly hydraulic unit charge for commercial and industrial customers is computed by multiplying the hydraulic unit charge rate by each respective business's actual water usage (in gallons) for that month.

(Sentence removed per Ord. 3041 passed and approved 06/03/2013. The hydraulic unit charge is computed by multiplying the hydraulic unit charge rate by the gallons of water the customer used that month.)

The fixed administrative charge and the hydraulic unit charge shall be in the amount and for the term to be set by city ordinance from time to time. A separate fixed administrative charge shall be assessed for each business operated within a commercial building or property, each room designated for lodging within a hotel or motel, and each domiciliary unit located within a unit or property designed to provide institutional or group type housing (including nursing homes, shelter care facilities, and retirement homes.)

(Ord. 1894 § 1, 2000: amended during 1997 codification; Ord. 1260 § 1, 1994: Ord. 676 § 1, 1987; Ord. 546, 1984; Ord. 536 § 1, 1983; prior code § 38-4-1)

(Ordinance No. 3281, Amended, 09/06/2016, Amended Section 13.20.010 Sewer Service Rates and Charges; Ordinance No. 3041, Amended, 06/03/2013, New sewer charge calculations for water usage in the summer months - residential only.)

Section 13.20.020 All service to be by meter.

If any lot, parcel of land or premises which discharges sewage or industrial waste into the sanitary sewerage system, either directly or indirectly obtains part or all of the water used thereon from sources other than the city water mains, and the water so obtained is not measured by a water meter or is measured by a water meter which is not acceptable to the city council, then in such case, the city shall permit the discharge of sewage or industrial waste into its sanitary sewerage system only when the owner of such lot, parcel of land or premises or some other interested party shall, at his expense, install and maintain a water meter which shall be satisfactory to the city council. Such water meters shall be installed so as to measure all water received on such lot, parcel of land or premises and the charges and rates shall be based upon the aggregate quantity of water received as measured by all such meters. (Prior code § 38-4-2)

Section 13.20.030 Excessive discharge--Additional approved meter(s) required.

If: (a) a lot, parcel of land or premises discharges sewage or industrial waste into the sanitary sewerage system, either directly or indirectly; and (b) the amount of water is such that the rate or charge will be in excess of the minimum monthly bill therefor; and (c) if it can be shown to be satisfactory to the city council that the portion of the water measured by the water meter or meters does not and cannot enter the sanitary sewerage system; then, and in that event, the city council is authorized to require or to permit the installation of other or additional approved meters in such a manner that the quantity of water which actually enters the sanitary sewerage system may be determined. In that case, the charges or rates shall be based upon the amount of water so shown actually to enter the sanitary sewerage system. Charges and rates determined as provided in this section shall not be less than the minimum rate established by city ordinance from time to time herein for each meter and the amount to be paid in any month shall not be less than the aggregate of the minimum bill established for all meters used to measure the water received for such lot, parcel of land or premises. (Amended during 1997 codification: prior code § 38-4-3)

Section 13.20.040 Prorated charges.

For any lot, parcel of land or premises from which connection is made with the city sanitary sewerage system, or which begins to discharge sewage or industrial waste into the city sewerage system, either directly or indirectly after this chapter becomes effective, the charges and rates for the first payment period after the beginning date of sewage discharge into the city sewerage system shall be based upon the per diem pro rata amount of the established minimum charge per month or shall be based upon the water consumed at the established rates, whichever is the larger. (Prior code § 38-4-4)

Section 13.20.050 Delinquent payment charge.

If any payment of any bill for the use of the sewerage system shall not be made on or before the fifteenth day of the month following the period for which such services are rendered, a delayed payment charge in the amount of five percent of the amount of the bill rendered shall be imposed and collected as part of the monthly charge for sewer services. The five percent delayed payment charge will only apply to the unpaid balance for water service charges and shall

not include or be applied to the amount of any accrued interest. (Per Ordinance No. 3153 passed and approved 12/15/2014.)

OLD - AMENDED BY ORDINANCE 3153 ON 12/15/2014 If any payment of any bill for the use of sewerage system shall not be made on or before the fifteenth day of the month following the period for which such services are rendered, a delayed payment charge in the amount of five percent of the amount of the bill rendered shall be imposed and collected as part of the monthly charge for sewer services. (Ord. 1169 § 1, 1993: prior code § 38-4-5)

(Ordinance No. 3153, Amended, 12/15/2014, Amended delayed payment charge.)

Section 13.20.060 Occupant--Owner responsibility.

Sewerage services shall be deemed to be furnished to both the occupant and owner of the premises receiving such services and shall be deemed an obligation of both the occupant and owner of any premises. (Prior code § 38-4-6)

Section 13.20.070 Billings.

Bills for the charges and rates shall be made out by the city clerk. The time of making such bills and the period to be covered thereby shall be in accordance with the water meter reading practices of the city, for all lots, parcels of land and premises with respect to which such meter readings are used as a basis for the charges or rates. In all cases, bills shall be made out monthly. All rates and charges shall be payable at the office of the city collector and shall be collected by the city collector. (Prior code § 38-4-7)

Section 13.20.080 Use of revenues.

All revenues derived from the operation of the sewerage system shall be set aside as collected and deposited in a special fund, separate and apart from all other funds of the city. Such revenues shall be used only for the purpose of paying the cost of operating, maintaining, extending and improving the sewerage system, providing an adequate depreciation fund and paying the principal of and interest on any sewerage revenue bonds which may be issued by the city under the provisions of Article 60 of the Revised Cities and Villages Act. When such revenue bonds shall be issued, then the disposition of the revenue of the sewerage system shall be further governed by the terms of the ordinance which shall authorize such bonds. (Prior code § 38-4-8)

Section 13.20.090 Records--Annual audit.

The city treasurer shall install and maintain a proper system of accounting, showing the amount of revenue received from the sewerage system and the application of that revenue, and such account shall be audited properly at least once a year. The keeping of such records and the audit thereof shall be further governed by the provisions of any ordinance which may hereafter

be adopted authorizing the issuance of bonds payable from the revenues of the sewerage system.
(Prior code § 38-4-9)

Section 13.20.100 Reading of meter--Delinquent charges.

Bills for the usage of sewerage services shall be rendered monthly and all water meters shall be read monthly where such meter readings are used as a basis for the charges and rates. If payment of any bill for the usage of sewerage services is not made on or before the fifteenth day of the month following the period for which such services are rendered, a delayed payment charge in the amount of five percent of the amount of the bill rendered shall be imposed and shall be collected as part of the monthly charge for usage of sewerage services. If such bills for the usage of sewerage services are not paid by the fifteenth day of the month subsequent to their rendition, such charges shall be deemed and are hereby declared to be delinquent and shall thereafter be considered the same as a delinquent water bill and shall be handled in a similar manner as now provided for collection of such delinquent water bill. (Ord. 1168 § 1, 1993: prior code § 38-4-10)

Section 13.20.110 Lien.

If the charges and rates for the usage and services of the sewerage are not paid within sixty (60) days after the rendition of the bill therefor, such charges shall be deemed and are hereby declared to be delinquent and shall thereafter constitute liens upon the real estate for which usage and sewerage services are supplied. The city treasurer shall promptly, after the expiration of such sixty (60) days, file a notice of such lien in the county recorder of deeds office. This notice shall consist of a sworn statement of the treasurer, setting out:

- A. A description of such real estate sufficient for the identification thereof;
- B. The amount of money due for the use and services of the sewerage system; and
- C. The date when such amount became delinquent. (Prior code § 38-4-11)

Section 13.20.120 Access to records.

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant. (Ord. 547, 1984: prior code § 38-4-13)

Chapter 13.24**WATER AND SANITARY SEWER COST RECOUPMENT PROGRAM****Sections:**

- 13.24.010 Application for reimbursement.**
- 13.24.020 City policy regarding recoupment agreements.**
- 13.24.030 Contract between city and sponsor.**
- 13.24.040 Recoupment provisions.**
- 13.24.050 Beneficiary charge.**
- 13.24.060 City exemption and developer assessments.**
- 13.24.070 City tap-in fees.**
- 13.24.080 Areas served by more than one water and/or sanitary sewer improvement subject to recoupment.**
- 13.24.090 Dedication to the city.**
- 13.24.100 Interest on recoupment.**
- 13.24.110 Connection permit.**
- 13.24.120 Sponsor's development.**
- 13.24.130 Extent of and time limits of recoupment.**
- 13.24.140 Dedication of recoupment sanitary sewer and/or water facilities.**

Section 13.24.010 Application for reimbursement.

Any owner of real property located within the facility planning area ("FPA") of the city, as the FPA boundaries of the city now exist or shall be hereafter amended, or in the event of the abolition of the city's FPA by the Illinois Environmental Protection Agency ("IEPA") or the United States Environmental Protection Agency ("USEPA"), then as said boundaries existed at the time of the abolition of the same, who proposes to construct public sanitary sewer disposal and/or potable water transmission service facilities which can be used to serve other properties in the Columbia FPA (hereinafter referred to in this chapter as the "sponsor") may make application to the city council for recoupment by said sponsor of a proportionate share of the total cost to construct the sanitary sewer and/or water distribution facilities from off-premises, benefitted property owners who directly connect or indirectly use the same, in accordance with the provisions and requirements of this chapter. After completion of the construction and installation of the public sanitary sewer line or water transmission main and their appurtenances for which the sponsor is seeking recoupment, the sponsor shall provide the city engineer or his designee with city required verification of the costs incurred for the improvements involved. The city engineer or his designee will review the same and make recommendations to the city council regarding the necessity and reasonableness of the same and otherwise regarding approval for recoupment or recapture of all or part of the costs involved. The city council shall decide whether or not it is in the public interest to allow for reimbursement of all or any part of the proposed construction costs under this chapter of the city's municipal code. If the city council decides that it is then the parties shall make and enter into an appropriate recoupment agreement, same to be authorized and approved by enactment of a city ordinance.

(13.24.010 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.020 City policy regarding recoupment agreements.

Since the making of and entering into public sanitary sewer and/or public water recoupment agreements with land developers is discretionary with the city, prior to the city making and entering into such agreements it shall be the policy of the city that: the city shall find and declare that is in the interest of the city to cooperate with the land developer in allowing the land developer to recoup or recapture part of the developer's costs incurred to construct and install the sanitary sewer and/or water service involved. The ordinance of the city authorizing such an agreement shall set forth in the preamble of that ordinance how and why it is in the best interest of the city to acquire the facilities involved and allow the developer to recoup part of their costs incurred therefor. Since the city is required to incur legal fees, engineering fees and recording costs to make and enter into such agreements, the city may require reimbursement of those expenses as a condition for making and entering into recoupment agreements. Since the city is required to incur some costs for the administration of recoupment agreements and to collect for and remit payment of recoupment fees to land developers pursuant to recoupment agreements, the city may require payment or reimbursement of those expenses when making and entering into such agreements.

(13.24.020 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.030 Contract between city and sponsor.

If the City Council finds that it is in the public interest to assist a sponsor in recouping or recapturing funds the sponsor expended for construction of public sanitary sewer and/or water distribution facilities, which have been constructed by the sponsor and dedicated to the city, the city council shall make and enter into a recoupment agreement with the sponsor. Once made and entered into, the recoupment agreement shall be filed with the recorder of each county in which the city's FPA is located in order to notify persons interested in connecting to or using the facilities that there will be a recoupment charge in relation thereto. If the facilities have not been constructed prior to the parties entering into a recoupment agreement, said contract shall also provide for the dedication to the City of the capital improvements involved for public use upon completion of the construction of the same in compliance with the city's codes and ordinances and acceptance thereof by the city. Said contract shall further provide that both the sponsor and other potential users of the capital improvements constructed by the sponsor shall each paying their proportionate share of the total cost of such construction. Such recoupment shall be paid to such sponsor based upon the schedule of payments set forth in the recoupment agreement between the city and the sponsor. The method of recoupment shall be determined in the negotiations between the city and the sponsor; for example, recoupment may be based upon water meter size for either water or sewer customers using the facilities or based upon a per lot, tract or parcel assessment, or may be based upon some other means of making the assessment and allocating the costs of the construction. Such contract may also provide that the city, at the expense of the sponsor, will assist in the acquisition of necessary rights-of-way by the exercise of the city's power of eminent domain to the extent the same is allowed by law. The contract may include such other terms and conditions as are approved by the city council of the city.

If the City Council finds that it is in the public interest to assist a sponsor in recouping or recapturing funds the sponsor expended for construction of public sanitary sewer and/or water distribution facilities, which have been constructed by the sponsor and dedicated to the city, the city council shall make and enter into a recoupment agreement with the sponsor. Once made and entered into, the recoupment agreement shall be filed with the recorder of each county in which the city's FPA is located in order to notify persons interested in connecting to or using the facilities that there will be a recoupment charge in relation thereto. If the facilities have not been constructed prior to the parties entering into a recoupment agreement, said contract shall also provide for the dedication to the City of the capital improvements involved for public use upon completion of the construction of the same in compliance with the city's codes and ordinances and acceptance thereof by the city. Said contract shall further provide that both the sponsor and other potential users of the capital improvements constructed by the sponsor shall each paying their proportionate share of the total cost of such construction. Such recoupment shall be paid to such sponsor based upon the schedule of payments set forth in the recoupment agreement between the city and the sponsor. The method of recoupment shall be determined in the negotiations between the city and the sponsor; for example, recoupment may be based upon water meter size for either water or sewer customers using the facilities or based upon a per lot, tract or parcel assessment, or may be based upon some other means of making the assessment and allocating the costs of the construction. Such contract may also provide that the city, at the expense of the sponsor, will assist in the acquisition of necessary rights-of-way by the exercise of the city's power of eminent domain to the extent the same is allowed by law. The contract may include such other terms and conditions as are approved by the City Council of the City.

(13.24.030, Repealed & Replaced, 01/20/2003)

Section 13.24.040 Recoupment provisions.

The itemized and verified final costs actually expended by the sponsor for the construction of such sanitary sewer and/or water transmission facilities, (including labor and materials, obtaining rights-of-way, permit fees, insurance, bond premiums, legal fees, engineering fees, and other costs essential to the construction of the facilities) shall be filed with the city clerk, and the city clerk shall furnish the same to the city engineer or his designee. The city engineer or his designee shall examine said costs and make a recommendation to the city council with regard to the necessity and reasonableness of the same, and as to whether the same should be approved as submitted or adjustments made. The city council shall then determine the amount of the appropriate costs of construction that shall be subject to the recoupment under this code (the "total recoupment amount" or the "recoupment").

The area reasonably expected to be served by the water and/or sanitary sewer facilities shall be the FPA of the city, as the city's FPA exists at the time of the making of the recoupment agreement or as the city's FPA may thereafter be amended. The owner of a lot, tract or parcel of land in the city's FPA which receives sanitary sewer or potable water service by a direct connection to a service line that is subject to recoupment or which receives sanitary sewer service or potable water service indirectly by connecting to a service line which directly or indirectly uses a service line that is subject to recoupment shall be assessed the applicable recoupment fee. If the FPA of the city is amended by the IEPA after a recoupment contract is made and entered into pursuant to this code, the city and the sponsor shall enter into an amendment to the recoupment agreement showing the revised boundaries of the city's FPA as the area expected to be served by the recoupment agreement and the same shall be recorded with the recorder of the counties in which the city's FPA is then located. In the event of the abolition of the city's FPA by either the IEPA or the USEPA, then and in that event, the last existing FPA of

the city shall be deemed to be the area reasonably expected to be served by sanitary sewer and water distribution facilities constructed pursuant to recoupment agreements made and entered into by the city, unless the city in negotiating the recoupment agreement finds and agrees otherwise.

Upon verifying the total costs of constructing and installing a public sanitary sewer line and/or public water distribution line which will provide sanitary sewer service and/or potable water service to individual lots, tracts or parcels of land or real estate developments located off of the real estate premises of the sponsor's development in the city's FPA, which sanitary sewer or water distribution improvement is required by the city in order for the sponsor to obtain approval of a subdivision plat or issuance of a building permit for the sponsor's development, and for which capital improvement the sponsor is seeking a recoupment agreement, the city council shall determine the pro-rata share of that costs that is attributable to the benefit of the sponsor's development and the pro-rata share of that costs that is available to benefit other property owners in the city's FPA who would seek to directly or indirectly connect to the capital improvement in order to develop their property. In order to arrive at the amount of such costs that shall be subject to recoupment, the parties to a recoupment agreement shall subtract from the verified total costs incurred the pro-rata costs attributable to the benefit from the system expected to be received by the sponsor's development (whether the assessment is based upon size of water meter connection, a per lot or parcel or tract assessment, or some other basis). That amount shall be subtracted from the total costs approved by the city that is subject to recoupment to arrive at the amount of the recoupment or total recoupment amount.

(13.24.040 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.050 Beneficiary charge.

Any owner of real property who directly connects into or indirectly uses sewerage facilities to deposit waste water therein or uses potable water facilities to draw water therefrom which are subject to a recoupment agreement, shall pay a recoupment fee, at a user rate to be determined by and set forth in the recoupment agreement. The user rate to be assessed against each benefitted property and charged to the beneficiary served directly or indirectly by the sponsored sanitary sewer and/or potable water improvement as established and set forth in the recoupment agreement will be approved by the city council, with the advice and recommendations of the city engineer. Once the user rate is determined and established and the recoupment agreement is made and entered into between the city and the sponsor, any beneficiary owning benefitted property located with the FPA of the city who directly connects to or indirectly uses the sponsored water or sewerage service which is subject to recoupment will be required to pay the recoupment fee until: (i) the term of the recoupment agreement expires, or (ii) the sponsor collects the full recoupment the sponsor is due (plus interest due, if applicable), whichever first occurs.

(13.24.050 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.060 City exemption and developer assessments.

Should the City seek to connect a City owned sanitary sewer transmission line and/or potable water transmission main to a City sanitary sewer or water distribution main that is subject to one (1) or more recoupment agreements, the City shall be exempt from assessment of recoupment or recapture fees; however, subsequent customers of the City who receive sanitary sewer and/or water service utilizing said line or lines that are subject to one (1) or more recoupment agreements shall not be exempt and shall be required to pay the applicable recoupment fee (including real estate developers/subdividers who seek to obtain sanitary sewer service and/or water service for their subdivision developments). Land developers/subdividers

who seek to connect property proposed to be subdivided in this City to a sanitary sewer line or a potable water distribution line that is subject to one (1) or more recoupment agreements and for which a subdivision final plat is requested to be approved by the City, prior to the City enacting an ordinance to approve the final subdivision plat for the subdivision property, the subdivider/developer shall pay the applicable recoupment fee to the City Clerk for each of the proposed lots on the final plat for the subdivision. The subdivider/developer shall provide a copy of the receipt for payment of the applicable recoupment fee to the City Attorney and the City Engineer for their use in making recommendations for final subdivision plat approvals. Where a subdivision is sought to be platted and developed in the City in stages or phases, so that multiple final subdivision plats will be submitted to the City Council for approval (one [1] final subdivision plat for each stage or phase of the subdivision), the applicable recoupment fee will be in the amount of the appropriate assessment for the property comprising each phase or stage. Same shall be paid prior to final plat approval for each phase or stage. Where a subdivision in the City is sought to be enlarged or expanded by final platting of additions to the subdivision, the applicable recoupment fee shall be in the amount of the appropriate assessment for the property comprising each addition and will be required to be paid prior to final plat approval for each addition. Otherwise (that is, except for subdividers/developers or the City) it shall be the owners of individual lots, parcels or tracts of property who derive benefit from service lines and facilities subject to recoupment by depositing sewerage in the City's sanitary sewerage system which flows through a line subject to recoupment or which draws potable water off of a City potable water service line that receives water service directly or indirectly from a water main subject to recoupment that shall be subject to the assessment of recoupment fee pursuant to this Code.

(13.24.060 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.070 City tap-in fees.

Nothing contained in this ordinance shall relieve a property owner from the obligation to pay to the city the city's usual and customary connection fee for connecting to a city owned sanitary sewer or water transmission main, which connection fee (sometimes referred to as a "tap-in" fee) shall be separate from and payable in addition to the recoupment fee due under sewer and/or water recoupment agreements.

(13.24.070 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.080 Areas served by more than one water and/or sanitary sewer improvement subject to recoupment.

In any area served by two (2) or more sanitary sewer and/or water distribution facilities constructed under separate recoupment agreements with the city, the recoupment charges payable to each sponsor shall be divided proportionately between said sponsors based upon the ratio of the total recoupable amount for each sewerage and/or water facility to the sum of the total recoupable amounts for all of the sewerage facilities or water facilities serving the area which are subject to recoupment.

(13.24.080 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.090 Dedication to the city.

No sponsor shall earn or be entitled to recoupment fees under a recoupment contract with the city made and entered into pursuant to this chapter until after the sewerage facility and/or water facility that is a subject of recoupment has been constructed in compliance with the city's codes and ordinances, inspected by, dedicated to and accepted by the city for public use.

(13.24.090 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.100 Interest on recoupment.

The sponsor under a recoupment agreement may charge such “simple” interest on the “total recoupable amount” as shall be approved by the city council at the time of the parties make and enter into a recoupment agreement. Nothing contained in this section of this chapter shall require, however, that the city allow the sponsor to charge interest on the “recoupment”.

(13.24.100 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.110 Connection permit.

Any person wishing to connect a house service or other individual parcel, tract or lot service line to the city’s sanitary sewer or water distribution system will apply in writing to the City Clerk for a permit to make the connection. Upon receiving such application, the city clerk shall determine if a recoupment fee is required to be paid by the applicant. If a recoupment fee is required, the city clerk shall not issue a permit to the applicant allowing the applicant to connect to and receive city water and/or sanitary sewer service from a facility subject to recoupment until the city has collected from the applicant the required connection fee and, in addition thereto, the recoupment fee or recoupment fees due under pending recoupment agreements that apply. Such fees shall be collected by the City Clerk and remitted to the sponsor as soon as practicable. The sponsor entitled to such recoupment fee shall keep the city clerk advised as to their current address and telephone number where they can be reached in order to assist the City Clerk in remitting recoupment payments due them.

(13.24.110 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.120 Sponsor's development.

A sponsor under a recoupment agreement shall not be entitled to recapture of the construction cost of any portion of a sanitary sewer and/or water service which is located on or within the confines of the property comprising the sponsor’s development; except, reimbursement will be allowed for oversizing or on the sponsor’s premises extensions of facilities not required for the sponsor’s development which are primarily designed for off-premise use and benefit.

(13.24.120 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.130 Extent of and time limits of recoupment.

The right to recoupment shall continue until the total amount of all recoupable costs, (plus interest, if applicable), have been recovered by the sponsor or until the expiration of the term of the applicable recoupment agreement, whichever first occurs. The recoupment period shall be for a term of years approved by the city council, which shall not exceed the term of thirty (30) years from and after the date the sanitary sewer facilities and/or water facilities have been dedicated to and accepted by the city.

(13.24.130 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Section 13.24.140 Dedication of recoupment sanitary sewer and/or water facilities.

All recoupment sanitary sewers and/or water facilities shall be constructed in accordance with the specifications and standards required by the City's codes and ordinances in effect at the time of the construction, and dedicated to the City for public use, whereafter the same will be owned by, operated and maintained by the City."

(13.24.150 (Ord. 2127), Repealed & Replaced, 01/20/2003)

Chapter 13.28**CROSS-CONNECTIONS****Sections:**

- 13.28.009A Article 1. General Provisions**
- 13.28.010 Plumbing installed according to law.**
- 13.28.020 Cross-connections.**
- 13.28.030 Periodic inspections.**
- 13.28.040 Right of access to property.**
- 13.28.050 Disconnection for cause.**
- 13.28.060 Cleanup costs.**
- 13.28.069A Article 2. Cross-Connection Control Rules and Regulation**
- 13.28.070 General policy.**
- 13.28.080 Definitions.**
- 13.28.090 Water system.**
- 13.28.100 Cross-connection prohibited without prior city approval.**
- 13.28.110 Survey and investigations.**
- 13.28.120 Where protection is required.**
- 13.28.130 Type of protection required.**
- 13.28.140 Backflow prevention devices.**
- 13.28.150 Inspection and maintenance.**
- 13.28.160 Booster pumps.**
- 13.28.170 Violations--Penalty.**

Section 13.28.009A Article 1. General Provisions**Section 13.28.010 Plumbing installed according to law.**

All plumbing installed within the city shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the city's superintendent of maintenance (hereinafter referred to as the "superintendent of water"), an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation by a duly licensed plumber and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations. (Ord. 974 § 1, 1992)

Section 13.28.020 Cross-connections.

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the city, unless such private, auxiliary or emergency water supply and the method of

connection and use of such supply shall have been approved by the superintendent of water and the Illinois Environmental Protection Agency. (Ord. 974 § 2, 1992)

Section 13.28.030 Periodic inspections.

It shall be the duty of the superintendent of water to cause surveys and investigations to be made of commercial, industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the superintendent of water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years. (Ord. 974 § 3, 1992)

Section 13.28.040 Right of access to property.

The city's superintendent of water or his duly appointed and authorized cross-connection control device inspector ("CCCDI") shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the city for the purpose of verifying the presence or absence of cross-connections, and the water superintendent or his authorized agent, shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the city for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owners, lessees or other occupants of any property so served shall furnish to the superintendent of water any information which he may request regarding the water piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the superintendent of water, be deemed evidence of the presence of improper connections as provided in this chapter. (Ord. 974 § 4, 1992)

Section 13.28.050 Disconnection for cause.

The superintendent of water of the city is authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this chapter, and until a reconnection fee, in an amount to be set by city ordinance from time to time, is paid to the city clerk at his office in the City Hall. Immediate disconnection with verbal notice can be effected when the superintendent of water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided, that in the reasonable opinion of the superintendent of water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the superintendent of water, or their agents or assigns shall be liable to any customer for any injury,

damages or lost revenues which may result from termination of the customer' s water supply in accordance with the terms of this chapter, whether or not the termination was with or without notice. (Ord. 974 § 5, 1992)

Section 13.28.060 Cleanup costs.

The consumer responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system. (Ord. 974 § 6, 1992)

Section 13.28.069A Article 2. Cross-Connection Control Rules and Regulation

Section 13.28.070 General policy.

A. Purpose. The purpose of these rules and regulations is:

1. To protect the public water supply system from contamination or pollution by isolating within the customer' s water system contaminants or pollutants which could backflow through the service connection into the public water supply system;
2. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer' s potable water system and nonpotable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety;
3. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer' s potable water systems.

B. Application. These rules and regulations shall apply to all premises served by the public potable water supply system of the city.

C. Policy. The owner or official custodian of property connected to the city' s public water system shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer' s water service connection. If, in the judgment of the superintendent of maintenance (hereinafter referred to as the "superintendent of water") or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises where required. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 13.28.110(D)(4) for a period of at least five years. The superintendent of water may require the consumer to submit a cross-connection inspection report to the city to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a cross-connection control device inspector certified by the Illinois Environmental Protection Agency. (Ord. 974 Exh. A § 1, 1992)

Section 13.28.080 Definitions.

The following definitions shall apply in the interpretation and enforcement of these regulations.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes or streams; or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system. The words "consumer" and "customer," for purposes of this chapter, shall be synonymous and may be used interchangeably.

"Consumer's water system" means any water system located on the customer's premises. A building plumbing system is considered to be a consumer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

"Direct cross-connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Double check valve assembly" means an assembly composed of single, independently acting check valves approved under Association of State Sanitary Engineers ("ASSE") Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

"Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Health hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

"Indirect cross-connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system

for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

"Nonpotable water" means water not safe for drinking, personal or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

"Pollution" means the presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

"Potable water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary and domestic purposes.

"Potential cross-connection" means a fixture or appurtenance with threaded hose connection, tapered spout or other connection which would facilitate extension of the water supply line beyond its legal termination point.

"Process fluid(s)" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

1. Polluted or contaminated waters;
2. Process waters;
3. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
4. Cooling waters;
5. Questionable or contaminated natural waters taken from wells, lakes, streams or irrigation systems;
6. Chemicals in solution or suspension;
7. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least fifteen (15) service connections or which regularly serve at least twenty-five (25) persons at least sixty (60) days per year. A public water supply is either a community water supply or a noncommunity water supply.

"Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with

properly located test cocks.

"Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water purveyor" means the owner or official custodian of a public water system. (Ord. 974 Exh. A § 2, 1992)

Section 13.28.090 Water system.

A. The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the superintendent of water up to the point where the consumer's water system begins.

C. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the public water supply distribution system.

D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

E. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use. (Ord. 974 Exh. A § 3, 1992)

Section 13.28.100 Cross-connection prohibited without prior city approval.

A. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

B. 1. No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

2. There shall be no arrangement or connection by which an unsafe substance may enter a supply. (Ord. 974 Exh. A § 4, 1992)

Section 13.28.110 Survey and investigations.

A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

B. On request by the superintendent of water, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the superintendent of water or his authorized representative for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results.

C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other plumbing inspections must be performed by a licensed plumber and conducted in accordance with the provisions and requirements of Section 3 of "An Act" in relation to the licensing and regulation of plumbers, (Ill. Rev. Stat., 1989, Ch. 111, Par. 1103).

D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage;

2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions;

3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector ("CCCDI"). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions;

4. Testing and Records.

- a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

- b. Records submitted to the city shall be available for inspection by Agency personnel in accordance with Ill. Rev. Stat., 1987, Ch. 111 1/2, Par. 1004(e).

- c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

- d. A maintenance log shall be maintained and include:

- i. Date of each test,

- ii. Name and approval number of person performing the test,

- iii. Test results,

- iv. Repairs or servicing required,

- v. Repairs and date completed, and

- vi. Service performed and date completed. (Ord. 974 Exh. A § 5, 1992)

Section 13.28.120 Where protection is required.

A. An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the superintendent of water, actual or potential hazards to the public water supply system exist.

B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the superintendent of water and the source is approved by the Illinois Environmental Protection Agency;

2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the superintendent of water;

3. Premises having internal cross-connection that, in the judgment of the superintendent of water and/or the cross-connection control device inspector, are not correctable or have intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

5. Premises having a repeated history of cross-connections being established or re-established.

C. An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the superintendent of water determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes;
2. Laboratories;
3. Piers, docks, waterfront facilities;
4. Sewage treatment plants, sewage pumping stations or stormwater pumping stations;
5. Food or beverage processing plants;
6. Chemical plants;
7. Metal plating industries;
8. Petroleum processing or storage plants;
9. Radioactive material processing plants or nuclear reactors;
10. Car washes;
11. Pesticide, or herbicide or extermination plants and trucks;
12. Farm service and fertilizer plants and trucks. (Ord. 974 Exh. A § 6, 1992)

Section 13.28.130 Type of protection required.

A. The type of protection required under Section 13.28.120(B)(1) through (3) of these regulations shall depend on the degree of hazard which exists as follows:

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that would cause a severe health hazard.

2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a

pollution hazard not dangerous to health.

B. The type of protection required under Section 13.28.120(B)(4) and (5) of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

1. The fire safety system contains antifreeze, fire retardant or other chemicals;
2. Water is pumped into the system from another source; or
3. Water flows by gravity from a nonpotable source; or water can be pumped into the fire safety system from any other source;
4. There is a connection whereby another source can be introduced into the fire safety system.

D. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines. (Ord. 974 Exh. A § 7, 1992)

Section 13.28.140 Backflow prevention devices.

A. All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation foundation to be in compliance with applicable industry specification.

B. Installation of approved devices shall be made in accordance with the manufacturer' s instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer' s maintenance manual shall be available for inspection on-site. (Ord. 974 Exh. A § 8, 1992)

Section 13.28.150 Inspection and maintenance.

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer' s instructions.

1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within twenty-four (24) hours.

2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five days.

3. Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five days.

B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

C. Each backflow prevention device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

D. A maintenance log shall be maintained and include:

1. Date of each test or visual inspection;
 2. Name and approval number of person performing the test or visual inspection;
 3. Test results;
 4. Repairs or servicing required;
 5. Repairs made and date completed; and
 6. Servicing performed and date completed.
- E. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by subsection A of this section.
- F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the superintendent of water. (Ord. 974 Exh. A § 9, 1992)

Section 13.28.160 Booster pumps.

- A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.
- B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the superintendent of water, at least once a year, that the device is operable. (Ord. 974 Exh. A § 10, 1992)

Section 13.28.170 Violations--Penalty.

- A. The superintendent of water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the superintendent of water, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the superintendent of water, and the required reconnection fee is paid.
- C. Neither the city, the superintendent of water, or their agents or assigns shall be liable to any consumer of potable water purchased from the city for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this chapter, whether or not the termination of the water supply was with or without notice.
- D. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.
- E. Any person found to be violating any provision of this chapter shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

F. Any person found to be violating any provision of this chapter shall be subject to being fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation and each day a violation continues shall be regarded as a separate violation or offense for purposes of assessing the fine authorized by this subsection.

G. Any person violating any of the provisions of this chapter in addition to the fine provided, shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation, whether the same was caused before or after notice. (Ord. 974 Exh. A § 11, 1992)

Title 14

(RESERVED)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04	BUILDING PERMITS
15.05	TEMPORARY STRUCTURE PERMITS
15.08	BUILDING CODE
15.09	PROPERTY MAINTENANCE CODE
15.12	HOUSE NUMBERING
15.16	MOVING BUILDINGS
15.20	DANGEROUS BUILDINGS
15.24	DEMOLITION OF BUILDINGS
15.28	MISCELLANEOUS CONSTRUCTION REGULATIONS
15.32	ELECTRICAL CODE
15.36	(RESERVED)
15.40	PLUMBING CODE
15.44	SIGN CODE
15.48	INDUSTRIAL STANDARDS CODE
15.52	STORMWATER MANAGEMENT
15.56	MOBILEHOME PARKS
15.60	FLOOD HAZARD PROTECTION REGULATIONS
15.64	HISTORIC SITE PRESERVATION
15.66	ARCHITECTURAL REVIEW BOARD
15.68	UNENCLOSED REFUSE CONTAINERS OR DUMPSTERS
15.69	STORAGE TRAILERS
15.70	REGULATION OF DUMPSTERS AND P.O.D.S (PORTABLE ON DEMAND STORAGE) UNITS
15.71	MASONRY COVERAGE REQUIREMENT

Chapter 15.70

**REGULATION OF DUMPSTERS LOCATED
IN TRAFFIC RIGHTS-OF-WAY**

Sections:

15.70.010	Deposit of dumpsters in traffic rights-of-way.
15.70.020	Dumpster permit.
15.70.030	Barricades required.
15.70.040	Penalty.

15.70.010 Deposit of dumpsters in traffic rights-of-way.

It shall be unlawful for any person, firm or corporation to cause or permit the location in any public way (or on private rights-of-way subject to use for municipal police protection and/or fire protection in the city) a dumpster of any capacity (a "street-dumpster") without first obtaining a permit therefor from the City Clerk.

15.70.020 Dumpster permit.

Upon proper application and payment of the street-dumpster permit fee required by the City's fee ordinance, an applicant may be issued a street-dumpster permit allowing the applicant to deposit in a traffic way in the city, (subject to regulation of the location thereof by the City Police Department), for a period of not to exceed fourteen (14) consecutive days. Upon payment of the required permit fee, the street-dumpster permit shall be subject to being renewed and extended for one (1) additional fourteen (14) day term by the City Clerk. A third or subsequent extension of the street-dumpster permit shall require the approval of the City's Zoning Administrator and payment of the required renewal fee; except that, no more than four (4) extensions of the permit shall be allowed without the approval of the City Council.

A copy of each street-dumpster permit issued by the City Clerk shall be provided to the City's Chief of Police and the City's Fire Chief by the City Clerk, as soon as practicable after such permit is issued, so that those officials will be advised of the issuance of the permit and the proposed location of the street-dumpster to be deposited in a traffic right-of-way pursuant to the permit.

15.70.030 Barricades required.

Notwithstanding anything allowed and provided for in this Chapter of the City's Municipal Code, no person, firm or corporation shall located a street-dumpster upon and within a traffic right-of-way in the City which is subject to regulation under this Chapter 15.70 of the City's Municipal Code, except that they shall install and maintain barricades with steady burning lights approved by the City Police Department, at each end of the street-dumpster that encroaches upon and is located within a traffic way.

15.70.040 Penalty.

Any person, firm or corporation who violates this Chapter 15.70 of the City's Municipal Code shall be subject to a fine of not less than Seventy-Five Dollars (\$75.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for each violation and each day or part thereof a violation exists shall be deemed to be a separate violation or offense.

Chapter 15.04

BUILDING PERMITS

Sections:

15.04.010	Definitions.
15.04.020	Permit required.
15.04.030	Application.
15.04.032	Site Plan Requirements
15.04.040	Approval of plans.
15.04.050	Fee.
15.04.060	Permit expiration.
15.04.070	Variations.
15.04.080	Enforcement of provisions.
15.04.090	Violation--Penalty.
Section 15.04.010	Definitions.

As used in this chapter:

"Building" means a structure having a roof supported by columns or walls for the shelter, support, enclosure or protection of persons, animals, chattels or property.

"Commercial building" means any building which is not a residential or industrial building as herein defined.

"Family" means one or more persons who live together in one dwelling unit and maintain a common household.

"Industrial building" means a building constructed for light industrial use as defined in Section 17.32.020, as from time to time amended.

"Residential building" means a building designed or used exclusively as the living quarters for one or more families.

"Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, which is not a building.

(Ord. 778 § 1, 1989: Ord. 643 § 1, 1987: prior code § 5-1-0)

Section 15.04.020 Permit required.

It is unlawful to: (a) construct any building with finished floors under roof, without regard to the cost of the construction thereof; or (b) construct or alter any other building or structure in the City without first having obtained a building permit for the same from the City's Building Commissioner.

**BELOW AMENDED BY ORDINANCE NO. 3194 APPROVED
08/03/2015.**

It is unlawful to: (a) construct any building with finished floors under roof, without regard to the cost of the construction thereof; or (b) to construct or alter any other building or structure in the City, except fences; or (c) to install exterior wall siding on a building without first having obtained a building permit for the same from the City's Building Commissioner. (Ord. 2394, passed and approved 08/15/2005. Repealed Ord. 2383)

.(Ord. 778 § 2, 1989; Ord. 643 § 2, 1987; prior code § 5-1-1)

(Ordinance No. 3194, Amended, 08/03/2015, Amended Building Permit Requirements of Municipal Code.; Ord. 2394, Amended, 08/15/2005, Repealed Ord. 2383.; Ord. 2383, Amended, 07/18/2005; Ord. 778, Amended, 01/01/1989)

Section 15.04.030 Application.

Applications for such permits shall be made in writing by the owner of the premises or by the architect or contractor in charge of the operations, to the city clerk and shall be accompanied by plans and specifications, in duplicate, showing the work to be done; such plans shall be verified by the signature of either such owner, architect or contractor. In any case where permits for sewer or water connection, or both shall be required, no building permits shall be issued until application shall also have been made, and permit granted for such sewer or water connection, or both. (Prior code § 5-1-2)

Section 15.04.032 Site Plan Requirements

A. Statement of Purpose. It is the purpose of this section to regulate the

safe, orderly and attractive development, including but not limited to all residential, commercial, and industrial land uses within the city; to preserve and enhance property values, to preserve adequate space for pedestrian, bicycle, and vehicular traffic, including transportation facilities usually associated with such uses; to provide for effective transportation without congestion or hazards; and to provide for effective storm water management and control. It is also the purpose of this section to assure that public utilities and services are provided in a safe and healthful manner and are consistent with any and all applicable regulations and standards. It is the further purpose of the section to recognize, in the planning for and of specific land uses, the densities and uses of adjacent land and the health, safety, morals, appearance and general welfare of the community. In order to achieve the aforementioned objectives, and to encourage creative economic development, certain modifications to these requirements may be permitted the City Council, after seeking the recommendation of the City's Plan Commission and/or Zoning Board of Appeals.

B. Applicability. Any person, corporation, firm or other organization or association making application for a permit issued by the Building Official or designee, shall submit to the Office of the City Clerk, who will distribute to appropriate departments for review and approval, a site plan prepared by a registered architect, registered professional engineer or a licensed land surveyor licensed in the state to practice as such. The City may accept a preliminary plat as a substitute for the site plan required hereunder.

C. Submittals. Site plans shall be drawn on a sheet or sheets not to exceed 24 x 36 inches. Said site plan shall also be provided electronically in a format deemed to be acceptable by the City (.pdf file extension preferred). In addition to all requirements contained herein, if the site plan is required to be drawn by a licensed professional engineer, architect, or surveyor, the plans must include the name, firm name, address, and seal of said professional

D. Minor Changes. Minor changes to a site plan shall be permitted only after approval of such changes by the Building Official or designee. Request for approval of minor changes shall be made in writing. A new site plan reflecting said changes may be required at the discretion of the Building Official or designee. The Building Official or designee shall approve all minor changes within a reasonable time frame not to exceed 10 business days. Minor changes shall be limited to building footprint or

height changes that vary by no more than ten percent (10%) in any one direction.

E. Major Changes. Major changes to a site plan shall be permitted only upon submittal of a new site plan. If site plan consists of multiple pages, all pages affected by the major changes must be revised and submitted. If said site plan required a public hearing prior to approval, a public hearing shall be required prior to approval of any major changes. After fifteen (15) days notice is given, a public hearing shall be held before the plan commission and forwarded to the City Council for their approval. Major changes shall include: new buildings, omission of buildings, or reorganization of buildings on the site.

F. Accessory Structures.

1. The following information shall be shown on the site plan:
 - (a) Location map, north arrow, graphic plan scale.
 - (b) Zoning district, subdivision name, lot number, and parcel number.
 - (c) Name, address, and telephone number of the person or firm submitting the plan and the person or firm who desires the review comments forwarded to them.
 - (d) Actual shape, location, and dimensions, and distance of the lot drawn.
 - (e) Location and identification of all existing and proposed easements.
 - (f) Location of any and all stormwater detention facilities, sink holes, springs, streams, silt berms, ponds, silt control facilities, floodways, flood plains, wetlands, sanitary sewage treatment or septic fields.
 - (g) Proposed building line and setback requirements for the district in which the property is located.

- (h) Shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any existing building or structure. The distance to property lines and other structures on the lot shall also be indicated.
- (i) Location of existing and proposed utilities, including service lines and connections.

2. If the subject property includes stormwater detention facilities, sink holes, springs, streams, silt berms, ponds, silt control facilities, floodways, floodplains, wetlands, sanitary sewage treatment and/or septic fields, a professional engineer or surveyor shall sign and seal site plans and perform field layouts for accessory structures.

G. Single-Family Dwellings.

1. The following information shall be shown on the site plan:
 - (a) All information listed in Section 15.04.32.F.1.
 - (b) Existing and proposed contour lines or elevations based on mean sea level datum at vertical intervals of not more than two (2) feet, including established street grades at the foundation walls of all new structures shall be required if any portion of the subject property is identified as being in a floodplain, floodway, or wetland.
 - (c) Elevation of top of foundation of primary structure, finish floor of garage, finish floor of basement and lowest foundation opening where applicable.
 - (d) Location of any and all of the following features on the property: stormwater detention facilities, sink holes, springs, streams, silt berms, ponds, silt control facilities, floodways, flood plains, wetlands, sanitary sewage treatment or septic fields.
 - (e) Location of existing and proposed sidewalks.
 - (f) Driveway location, width, and proposed grade (if more than

12% slope).

(g) Professional seals affixed to every sheet in a set of documents in accordance with the standards of the Illinois.

2. A professional engineer or surveyor shall perform field layouts for all single-family residential structures.

3. The Building Official or designee may require additional soil testing and documentation if it is determined that the foundation is not placed on virgin soil.

4. The applicant shall provide a slope stability analysis conducted by a professional engineer upon request of the Building Official or designee if the subject property has excessive slope (generally greater than 3 to 1).

5. The Building Official or designee may impose equivalent requirements for additions to single-family dwellings if:

(a) The City has no site plan on file for the subject property; or

(b) Substantial site modifications or environmental changes have rendered the original site plan obsolete.

H. Multi-Family Dwellings, Non-Residential Buildings, Planned Developments, and other Development

1. The following information shall be shown on the site plan:

(a) All information listed in Section 15.04.32.G.1.

(b) Off-street parking spaces, required and proposed, including the number, size, and location of those designated as accessible spaces, width of all interior drive aisles, and degree of angle for individual spaces, if applicable.

(c) Location of refuse disposal areas, including dumpster enclosures and grease traps.

- (d) Location of existing and proposed utilities, including service lines and connections, as well as mains and distribution lines.
- (e) Location and size of existing and proposed freestanding signs.
- (f) Site lighting plan which clearly shows no spillover onto adjacent properties or right-of-way.
- (g) Site landscaping plan, including name and size of existing and proposed plant material.
- (h) Location of any and all of the following features on the property: stormwater detention facilities, sink holes, springs, streams, silt berms, ponds, silt control facilities, floodways, flood plains, and wetlands.
- (i) Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.

2. The Building Official or designee may request additional information to be placed on the site plan beyond the requirements listed above or may request preparation of a complete set of improvement plans. Improvement plans shall conform to the City of Columbia's standards regarding the preparation of improvement plans found in the City Subdivision Code.

I. Waiver of Site Plan Requirements. The Building Official or designee may waive in writing any site plan requirement contained herein determined unnecessary for review and approval of a specific building permit application.

(Ordinance No. 3427, Added, 09/17/2018, Section 15.04.032 Site Plan Requirements added.)

Section 15.04.040 Approval of plans.

Such applications with plans shall be referred to the building inspector, who shall examine the same to determine whether the proposed operations will conform with the ordinance and statutory provisions relating

thereto. Upon approval, one set of the plans shall be returned to the applicant, with a permit, and the other shall be retained by the building inspector. No permit shall be issued except after approval of the plans and the payment of the fee herein provided for. (Prior code § 5-1-3)

Section 15.04.050 Fee.

The fee for a permit for construction of a building with finished floors under roof shall be based upon the area, in square feet, of finished floors under roof, and shall be in the amount and for the term to be set by City ordinance from time to time.

The fee for all other construction or alterations of buildings or structures in the City for which a building permit is required under Section 15.04.020, shall be in the amount and for the term to be set by City ordinance from time to time.

(Amended during 1997 codification: Ord. 778 § 4, 1989: Ord. 643 § 3, 1987: prior code § 5-1-4)

The building permit fee required under Section 15.04.020 may be waived by the City Council for historically significant buildings or other historically significant structures as is allowed and provided for by Section 15.64.280 of Chapter 15.64 of this municipal code.

(15.04.050 (Ord. 2146), Amended, 02/17/2003)

Section 15.04.060 Permit expiration.

Building permits expire one year after date from day it is issued.

Exterior of building or structure must be completed within the year's time (three hundred sixty-five (365) days), or building permit will have to be renewed to continue construction of exterior of building or structure. (Ord. 778 § 3, 1989)

Section 15.04.070 Variations.

It is unlawful to vary materially from the approved plans and specifications deposited with and approved by the building inspector unless amended plans and specifications showing such proposed alteration or variation are first submitted to the building inspector, in duplicate and duly approved by him, and if such alteration or variation will result in an increase in the total cost of the work, a statement to this effect shall be made on such additional plans and the necessary additional fee shall be paid. (Prior code § 5-1-5)

Section 15.04.080 Enforcement of provisions.

It shall be the duty of the building inspector and any lawfully appointed deputies to enforce the provisions of this chapter. The building inspector is empowered to make such inspections as may be necessary to see to the enforcement of these provisions, and to make any proper tests or examinations of materials or methods to be used for the purpose of seeing if they comply with the requirements of this chapter. (Prior code § 5-1-6)

Section 15.04.090 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior code § 5-1-7)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.05

TEMPORARY STRUCTURE PERMITS

Sections:

- 15.05.010 Definitions
- 15.05.020 General Requirements and Applicability
- 15.05.030 Temporary Approval Granted
- Section 15.05.010 Definitions

The following terms, for the purposes of this chapter, shall have the meanings shown herein.

A. Air-Supported Structure. A structure wherein the shape of the structure is attained by air pressure and occupants are within the elevated pressure area.

B. Canopy. A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

C. Membrane Structure. An air-inflated, air-supported, cable or frame-covered structure as defined by the *International Building Code* and not otherwise defined as a tent or canopy.

D. Temporary Structure. Any tent, canopy or membrane structure neither intended as a permanent installation nor constructed on a permanent foundation and framework.

E. Tent. Any structure, enclosure or shelter, other than a canopy, constructed of fabric or pliable material supported by any manner except by air or the contents it protects.
(Ord. No. 3446, Added, 01/22/2019, Added Temporary Structure Permits)

Section 15.05.020 General Requirements and Applicability

A. Applicability.

1. A temporary structure permit and certificate of occupancy shall be required for:
 - (a) Individual tents and membrane structures having an area in excess of 400 square feet.
 - (b) Individual canopies having an area in excess of 700 square feet.
 - (c) Groupings of multiple temporary structures having an aggregate area in excess of the above listed size thresholds.
2. When erected for a special event or family event in a single-family residential zoning district, a temporary structure permit shall not be required for structures having an area greater than the above listed size thresholds.
3. All temporary structures shall comply with all applicable provisions of the City

Code.

B. Application Requirements.

No application for a temporary structure permit shall be accepted without the following information required by the building and fire codes:

1. Completed and signed application
2. Site plan & floor plan
3. Manufacturer's proof/certification of flame spread/fire proofing and wind ratings
4. Other documentation as requested by the Building Official or designee

C. Permit Period.

1. Type A Permit: Short-term temporary structure permits shall be issued for the duration of a special event, business need, or emergency for a period not to exceed thirty (30) consecutive days, subject to an aggregate limit of sixty (60) days per calendar year per property parcel.
2. Type B Permit: Long-term temporary structure permits may be issued for up to one-hundred eighty (180) consecutive days subject to the following:
 - (a) Eligibility is limited to commercial and industrial zoning districts, with the exception of C-1 Neighborhood Business districts.
 - (b) The applicant must submit a statement demonstrating a clear and compelling business or emergency need for the temporary structure.
 - (c) City Council approval shall be required.
3. Any Type A permit issued for emergency purposes may be converted to a Type B permit for no additional fee. Such permits shall be subject to the approval of City Council and shall be valid for a cumulative period not to exceed one-hundred eighty (180) consecutive days. The City Council may waive applicable City Code requirements upon recommendation of the Building Official or designee.
4. No combination of permits shall authorize the erection of temporary structures for more than one-hundred eighty (180) days per calendar year per property parcel.
5. Temporary structures shall be removed within three (3) days of the permit expiration date. Temporary structures that do not require a permit shall be removed within three (3) days of the event for which they are erected.

D. Limitations.

Tents shall only be permitted as temporary structures and shall not be allowed as permanent installations. Canopies and other membrane structures may be allowed and

permitted as permanent structures, subject to applicable provisions of the City Code.

E. Exception.

The provisions herein do not apply to funeral tents/canopies or tents used exclusively for recreational camping purposes.

(Ord. No. 3446, Added, 01/22/2019, Temporary Structure Permits)

Section 15.05.030 Temporary Approval Granted

The approval of a temporary structure permit shall also constitute temporary City approval of the use(s), structure type, and construction materials for the specified time period, regardless of conflicting provisions found elsewhere in the City Code.

(Ord. No. 3446, Added, 01/22/2019, Temporary Structure Permits)

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 Building code adoption.**
15.08.020 Additions, insertions and changes. (Radon Resistant Construction)
15.08.030 Property maintenance code adoption.
Section 15.08.010 Building code adoption.

Except as otherwise stated in Section 15.08.020 hereof, the following International Building Codes published by the International Code Council in 2006, as from time to time supplemented and amended, are hereby adopted as Building Codes of the City of Columbia, Illinois, for the control and regulation of the construction of buildings, building improvements, and structures as is in said International Codes made and provided; and each and all of the regulations, provisions, penalties, terms and conditions of said International Building Codes, as from time to time supplemented and amended, is hereby adopted and incorporated herein by reference the same as if set forth herein verbatim, as the Building Codes of the City of Columbia, Illinois, to wit:

(1) The '2006 edition of the International Fire Code', regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

(2) The '2006 edition of the International Existing Building Code', regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

(3) The '2006 edition of the International Property Maintenance Code', regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

(4) The '2006 edition of the International Fuel Gas Code', regulating and governing fuel gas systems and gas-fired appliances in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

(5) The '2006 edition of the International Mechanical Code', regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of mechanical systems in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

(6) The '2006 edition of the International Residential Code', regulating and governing the construction, alteration, movement, enlargement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

(7) The '2006 International Building Code', regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that

structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Columbia, Illinois and providing for the issuance of permits and collection of fees therefor.

Subsequent editions of the above mentioned International Building Codes that are published hereafter shall be deemed adopted and incorporated as the City's Building Codes, as provided above and as they are printed and published, with appropriate ordinances of the City to be enacted as soon as practicable thereafter to supply the additions, insertions and changes (if any) required, so that the City Building Codes shall be the most recent editions of the International Building Codes as are from time to time published.

(Ord. 1970-07/02/2001; Ord. 1480 § 1, 1996: Ord. 852 § 1, 1990: Ord. 642 § 1, 1987: prior code § 5-3-1)

(Ordinance No. 2641, Amended, 04/07/2008, Amended Section 15.08.010 (Building Code Adoption).; Ord. 2394, Amended, 08/15/2005; Ord. 2383, Amended, 07/18/2005; 15.08.010 (Ord. 1970), Amended, 07/02/2001; 15.08.010, Amended, 07/02/2001)

Section 15.08.020 Additions, insertions and changes. (Radon Resistant Construction)

The following sections of the 2006 editions of the International Building Codes adopted by the preceding Section 15.08.010 hereof are hereby revised, supplemented and amended, as follows:

“Title” is hereby changed and amended to read as follows:

These regulations shall be known as the Building Codes of Columbia, Illinois, hereinafter referred to as "this Code".

“Fee Schedule” is hereby changed and amended to read as follows:

Fee Schedule: A building permit fee shall be paid in accordance with the schedule published in Section 18.25 (Building Permits) of Title 18 (FEES AND CHARGES TO BE ASSESSED FOR CITY SERVICES AND BUSINESS LICENSE FEES TO BE ASSESSED FOR THE CONDUCT

AND OPERATION OF BUSINESSES, OCCUPATIONS AND PROFESSIONS IN THE CITY) for the City of Columbia's Municipal Code in effect at the time of reference.

“Violation or Penalties” is hereby amended to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00), or by imprisonment for not to exceed six (6) months, or both such fine and imprisonment. Each day that the violation continues after due notice of violation has been served shall be deemed a separate offense.

“Unlawful Continuance” is hereby changed and amended to read as follows:

Any person who shall continue any work in or about a building or other structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00). Each day that the continuance persists shall be deemed a separate offense.

“Applicability” is hereby changed and amended as follows:

Structures existing prior to January 1, 2006, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of Section 15.08.010 hereof, as changed and amended by Section 15.08.020 hereof.

“Footings and Foundations” is hereby changed and amended as follows:

Structural requirements for building footings and foundations shall be in compliance with the requirements for ‘Foundations and Retaining Walls’ made and provided for in Chapter 18 of the 1999 BOCA National Building Code or the requirements of the applicable International Building Code which is adopted by Section 15.08.010 hereof, whichever Code provides for and requires the higher and stricter construction standard.

Per Ordinance 2980 passed and approved November 5, 2012 - Section 15.08.020 (Additions, Insertions and Changes) of Section 15.08 (Building Code) of Title 15 (Buildings and Construction) of the City of Columbia, Illinois Municipal Code is hereby amended by adding the following specific materials that can and cannot be utilized for roof sheathing.

"Roof sheathing material shall be limited to 1/2 inch thick minimum, 5 ply fir plywood grade or the ZIP System roof panels with the ZIP System tape. In no case shall particle board (OSB), yellow pine or chipboard be used for roof sheathing."

(Ord. 1970 - 07/02/2001);(Ord. 1480 § 2, 1996)

REQUIREMENTS OF RADON RESISTANT CONSTRUCTION -
ADDED PER ORDINANCE 3110 PASSED & APPROVED 07/07/2014
FROM THE
ILLINOIS ADMINISTRATIVE CODE SECTION 422.160

MITIGATION STANDARD FOR NEW RESIDENTIAL CONSTRUCTION

a) General Practices. This Section contains the requirements for new construction in Illinois in accordance with the Radon Resistant Construction Act (420 ILCS 52). The following required construction methods are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary. These

techniques are required in all areas of Illinois.

b) Subfloor Preparation. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the buildings, to facilitate future installation of a sub-slab depressurization system, if needed. The gas permeable layer shall consist of one of the following:

1) A uniform layer of clean aggregate, a minimum of 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2 inch (51 mm) sieve and be retained by a 1/4 inch (6.4 mm) sieve; or

2) A uniform layer of sand (native or fill), a minimum of 4 inches (102 mm) thick, overlain by a layer of strips of geo-textile drainage matting designed to allow the lateral flow of soil gases. The geotextile matting shall have a cross-sectional area of not less than 12 square inches (77 sq. cm) and shall be placed, at a minimum, along the entire inside perimeter of the foundation at a distance of 12 to 18 inches (30 to 46 cm) distance from the foundation wall to the edge of the drainage matting. Deviation from the 12 to 18 inches (30 to 46 cm) distance to the foundation wall shall be allowed to avoid obstacles such as plumbing and other utilities; or

3) Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire subfloor area.

c) Soil Gas Retarder. A minimum 6-mil (0.15 mm) (or 3-mil (0.075 mm) cross-laminate) polyethylene or equivalent flexible sheeting material shall be placed on top of the gas permeable layer prior to casting the slab or placing the floor assembly to serve as a soil gas retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material

shall be sealed or covered with additional sheeting.

d) Entry Routes. Potential radon entry routes shall be closed in accordance with the following:

1) Floor openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

2) All concrete control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a polyurethane caulk. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk applied in accordance with the manufacturer's recommendations.

3) Condensate drains shall be trapped or routed through non-perforated pipe to daylight.

4) Sump pits open to soil or serving as the termination point for subslab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sump pits shall not be used as a primary suction point in a sub-slab depressurization system. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.

5) Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.

6) The exterior surfaces of concrete and masonry block walls below the ground surface shall be damp-proofed in accordance with Section R406 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15)

7) Air-handling units shall be sealed to prevent air from being drawn into the unit. Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage are exempted from this requirement.

8) Underground and crawlspace duct systems shall be sealed in accordance with Section M1601.4 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).

9) Openings around all penetrations through floors above crawlspaces shall be caulked or otherwise filled to prevent air leakage.

10) Access doors and other openings or penetrations into crawlspaces shall be closed, gasketed or otherwise sealed to prevent air leakage.

e) Passive Sub-membrane Depressurization (SMD) System. In buildings with crawlspace foundations or earthen floors, the following components of a passive SMD system shall be installed during construction.

1) Crawlspaces shall be provided with vents to the exterior of the building in accordance with Section R408 of the 2012 International Residential Code for One- and Two-Family Dwellings.

2) The soil in crawlspaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil gas retarder. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawlspace area.

3) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and compatible glues or in accordance with specific procedures submitted by radon contractors as part of their license application and approved by the Agency.

4) A plumbing tee or other approved connection fitted with not less than 5 feet (105 m) of perforated pipe extending from each horizontal opening of the tee shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

f) Passive Sub-Slab Depressurization (SSD) System. Buildings with a basement, crawlspace or slab-on grade concrete floor in contact with the earth or grade shall have the following components of a passive SSD system that shall be installed during construction.

1) A minimum 3-inch diameter (76 mm) Schedule 40 PVC shall be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cased.

A) A plumbing tee or other approved connection fitted with not less than 5 feet (105 m) of perforated pipe extending from each horizontal opening of the tee shall be inserted horizontally within the sub-slab permeable material to ensure that the pipe opening remains within the sub-slab. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location of at least 2 feet (609.6 mm) above any window or other

opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings; or

B) A penetration into the sub-slab permeable material may be cored through sub-slab after the slab is cased. A minimum 3-inch diameter (76 mm) Schedule 40 PVD shall be embedded vertically into the sub-slab aggregate or other permeable material and extended up through the building floors, terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

2) In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that shall terminate at least 12 inches (305 mm) above the penetration in the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

g) All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath this slab or soil gas retarder.

h) Radon vent pipes shall be accessible for fan installation through an attic or other area outside and above the habitable space. The radon vent pipe need not be accessible in an attic space when an approved roof-top electrical supply is provided for future use.

i) All exposed and visible interior radon vent pipes shall be conspicuously identified with at least one label on each floor and in accessible attics. The label shall read "Radon Reduction System".

j) Combination basement/crawlspace or slab-on-grade/crawlspace

foundations shall have separate radon vent pipes installed in each type of foundation area or be connected with a continuous drain tile loop. Vent pipes shall connect to a single vent that shall terminate at least 12 inches (305 mm) above the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

k) Joints in air ducts and plenum spaces shall meet the requirements of Section M1601 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference pursuant to Section 422.15). Thermal envelope air infiltration requirements shall comply with the energy conservation provisions in Chapter 11 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference pursuant to Section 422.15). Firestopping shall be in conformance with the most recent general building code enacted by the appropriate local government or meet the requirements contained in Section R302.11 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).

l) To provide for future installation of an active SMD or SSD system, an electrical circuit terminated to a single outlet in an accessible approved box shall be installed during construction in the attic in the anticipated location of vent pipe fans.

m) To provide for future installation of an active SSD, the piping length in the attic of the building shall have a minimum height of 3 feet to allow for the anticipated installation of a radon mitigation fan in the vent pipe.

n) The juncture of each radon vent pipe with the roof line shall be made water tight by an approved flashing. Lead vent flashings or any other flashing or cap that would impede the exhaust from the radon vent are prohibited from use.

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 3110, Added, 07/07/2014, Added Radon Resistant Construction to Section 15.08.020 (Additions, Insertions and Changes) of Chapter 15.08 (Building Code), Title 15 (Buildings and Construction).; Ordinance No. 2980, Amended, 11/05/2012, Section 15.08.020

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(Additions, Insertions and Changes) Roof Sheathing materials; Ordinance No. 2641, Amended, 04/07/2008, Section 15.08.020 (Additions, insertions and changes) ; 15.08.020 (Ord. 1970), Amended, 07/02/2001; 15.08.020, Amended, 07/02/2001)

Section 15.08.030 Property maintenance code adoption.

The 2006 International Property Maintenance Code Published by the International Code Council, as from time to time amended and supplemented, is hereby adopted and incorporated herein by reference as the Property Maintenance Code of the City of Columbia, Illinois and may be printed in pamphlet form. Subsequent editions of said Property Maintenance Code that are published hereafter shall be deemed adopted and incorporated herein in the City's Building Codes as they are published and printed. Appropriate ordinances of the City, if any be required, shall be enacted as soon as practicable thereafter to supply any additions, insertions or other changes required, so that the City's building codes shall incorporate the most recent edition of the International Property Maintenance Code in publication at the time of reference.

(Ordinance No. 2641, Amended, 04/07/2008, Section 15.08.030 Property maintenance code adoption ; Ord. 2381, Added, 07/18/2005, Repealed the Rental Property Maintenance Code and enacted a Residential Property Maintenance Code.)

Chapter 15.09

PROPERTY MAINTENANCE CODE

Sections:

15.09.010	Property Maintenance Code.
15.09.020	Purpose
15.09.030	Maintenance and repairs.
15.09.040	Construction approval.
15.09.050	Certificate of dwelling maintenance and occupancy permit
15.09.060	Inspections.
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15.09.090	Demolition or repair of dangerous buildings.
15.09.100	Emergency measures.
15.09.110	Right of appeal.
15.09.120	Disclaimer of liability.
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Sections:

Section 15.09.010 Property Maintenance Code.

The 2006 International Property Maintenance Code Published by the International Code Council, as from time to time amended and supplemented, is hereby adopted and incorporated herein by reference as the Property Maintenance Code of the City of Columbia, Illinois and may be printed in pamphlet form. Subsequent editions of said Property Maintenance Code that are published hereafter shall be deemed adopted and incorporated herein in the City's Building Codes as they are published and printed. Appropriate ordinances of the City, if any be required, shall be enacted as soon as practicable thereafter to supply any additions, insertions or other changes required, so that the City's Property Maintenance Code shall incorporate the most recent edition of the International Property Maintenance Code in publication at the time of reference.

(Ordinance No. 2641, Amended, 04/07/2008, Section 15.09.010 changed from Residential property Maintenance Code to Property Maintenance Code.; Ordinance No. 2641, Repealed & Replaced, 04/07/2008, Chapter 15.09 (Residential Property Maintenance Code) changed to 15.09 (Property Maintenance Code). - Repealed all sections after 15.09.010.; Ord. 2381, Added, 07/18/2005, Repealed Rental Property Maintenance Code and enacted a Residential Property Maintenance Code.)

Section 15.09.020 Purpose

The regulations contained in this code are intended to protect the public health, safety and welfare of the residents of the City of Columbia, Illinois (the "city") by establishing minimum requirements and standards for single family and multi-family dwellings, uses, premises,

buildings, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing dwelling structures and uses and existing dwelling premises, and providing for administration, enforcement and penalties.

(Ord. 2381, Amended, 07/18/2005)

Section 15.09.030 Maintenance and repairs.

A. Application of Building Codes. Any repairs or alterations to a dwelling structure or use, or part thereof, or changes in the use therein, shall be done in accordance with the procedures and provisions of the building codes of the city; including the city building permit code (Chapter 15.04), the city building code (Chapter 15.08), the city electrical code (Chapter 15.32), the city housing code (Chapter 15.36), and the city plumbing code (Chapter 15.40), (the "building codes"), which are incorporated herein by reference and by reference made part of this code.

B. Rehabilitation. Buildings and structures existing prior to the adoption of this code, or any code incorporated by reference in this code, in which there is work involving repairs, including any alterations therewith, shall be made to conform to the building codes of the city.

Repairs to an existing structure which are nonstructural, and do not adversely affect any structural member or any part of the structure having a required fire resistance rating, may be made with the same materials of which the structure is constructed; provided such repairs shall not be made so as to cause an existing structure to become unsafe or to adversely affect the performance of the structure.

Repairs to an existing building which are structural or adversely affect any structural member or any part of the structure having a required fire resistance rating shall be made with materials required for a new structure.

C. Ordinary Repair. Except as otherwise required by other codes or ordinances of the city, application or notice to the building commissioner is not required under this code for ordinary repairs to structures, but such repairs:

1. Shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or beaming support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting its exit requirements;

2. Nor include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage leader, gas, soil, waste, vent or similar piping;

3. Nor include electrical wiring work or mechanical work;

4. Nor include repair of fire damages.

D. Maintenance. All buildings and structures and all parts thereof, both existing and new, shall be maintained in safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by the building codes in a building or structure, or which were required in a previous code or ordinance in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

E. Owner Responsibilities. The owner or the owner's designated agent shall be responsible for the safety and sanitary maintenance of a building or structure and its means of egress facilities at all times.

F. Workmanship. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed in a good and workmanlike manner.

G. Building Permit. Notwithstanding anything contained in this code to the contrary, all construction work shall be subject to the requirement of a building permit as required and provided by the building permit code of the city (Chapter 15.04) and the payment of any fees thereby required.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.040 Construction approval.

A. Approved Materials and Equipment. All materials, equipment and devices approved for use by the building commissioner shall be constructed and installed in accordance with such approval.

B. Modifications. Where there are practical difficulties in carrying out structural or mechanical provisions of this code, or the building codes of the city, the building commissioner shall be permitted to vary or modify such provision upon application of the owner or the owner's agent, provided that the spirit and intent of the law shall be observed and the public welfare and safety assured and not diminished.

C. Records. The request for modification and the final decision of the building commissioner shall be in writing and shall be officially recorded in the permanent records of his department.

D. Used Materials and Equipment. Used materials and devices shall not be reused unless they have been reconditioned, tested and placed in good and proper working condition and approved for use by the building commissioner.

E. Alternative Materials and Equipment. The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code provided that any such alternative has been approved by the building commissioner or his designated agent and duly qualified representative. An alternative material or method of construction shall be approved when the building commissioner finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and the building codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

F. Research and Investigations. The building commissioner shall require that sufficient technical data be submitted to substantiate the proposed use of any construction material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building commissioner shall approve the use of such material in construction assembly subject to the requirements of this code and the building codes. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

G. Research Reports. Supporting data when required by the building commissioner to assist in the approval of all materials or assemblies not specifically provided for in this code or the building codes shall consist of duly authenticated research reports from approved sources.

H. Professional Architectural and Engineering Services. Design for repair construction work that is subject to the operations of the Illinois Architectural Practice Act of 1989, as amended, shall be prepared by, or under the direct supervision of a registered professional architect or qualified registered professional engineer licensed and registered by the state of Illinois and shall bear that architect's or engineer's seal and signature in accordance with state law and shall be subject to the applicable provisions of the building codes of the city.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.050 Certificate of dwelling maintenance and occupancy permit

It is unlawful for any person, firm or corporation to occupy, or permit to be occupied or to collect the rental from any occupied dwelling unit for more than thirty-seven (37) days without obtaining a certificate of dwelling maintenance and occupancy permit ("certificate" or "dwelling certificate") from the building commissioner of the city. No person, firm or corporation shall occupy, or allow the occupancy or collect the rental of any dwelling unit if such certificate has been revoked.

A. For purposes of this code an on-premises inspection shall be required and a dwelling certificate required for each of the following events or occurrences:

1. Change in Dwelling Unit Occupancy. Whenever there is a change in occupancy of any structure containing a dwelling unit, an application for a certificate shall be made by the owner thereof or by his duly authorized agent or representative and filed with the building commissioner. If a certificate was previously issued for such structure within a twelve (12) month period prior to the change in occupancy, a new certificate for the change in occupancy shall be required, however a reinspection shall not be required.

2. New Dwelling Unit Structures. A structure intended for dwelling purposes hereafter erected, or harbored in the case of mobile homes, shall not be used or occupied in whole or in part until a certificate shall have been issued by the building commissioner as required by this code.

3. Structures Hereafter Altered. Any structure or part thereof containing a dwelling unit, or proposed to contain a dwelling unit, that is hereafter enlarged, extended or the floor plan is altered shall not be occupied or used as a dwelling place until a certificate shall have been issued by the building commissioner under this code.

4. Complaint Received. Upon receipt of a complaint filed by a tenant occupying the dwelling unit complained of, provided, however, in the event the dwelling unit is found to be in compliance with code, then and in that event, the tenant will be responsible for payment of the required inspection fee due under this code.

5. Notwithstanding anything contained in this section of this code to the contrary, a certificate of use and occupancy issued by the building commissioner under the authority given and requirements stated in the city's building code (chapter 15.08 of the city's municipal code) will be considered and is expressly distinguished from a certificate of maintenance and occupancy permit under this code. However, such certificate of use and occupancy required for newly constructed dwellings under the building code shall be honored as an alternative to a dwelling certificate required by this code.

B. Exempt Property. Notwithstanding anything contained in the preceding subsection A of this Section of this code, no on-premises inspection shall be required and a dwelling certificate shall not be required for newly constructed dwellings for which a certificate of use and occupancy has been issued by the building commissioner under the authority given and requirements stated in the city's building code until after the lapse of five (5) years following the date of the issuance of said certificate of use and occupancy.

C. The Contents of Certificate. When a dwelling unit is entitled thereto, the building commissioner shall issue a certificate of dwelling maintenance and occupancy permit within thirty (30) days from written application therefor. The certificate shall certify compliance with the provisions of this code, shall state the maximum number of occupants permitted to occupy the dwelling unit in accordance with the provisions of city ordinances, street address or other means of identification, date of issue, and such other information as the building commissioner shall deem appropriate for the implementation of this code.

D. By Whom Application is Made. Application for a certificate of building maintenance and occupancy permit required by this code shall be made by the owner of the structure containing the dwelling unit or by his duly authorized representative. If the application is made by a person other than the owner in fee, it shall be accompanied by a signed statement of the applicant to the effect that the applicant is authorized by the owner in fee to make such application. The full names and addresses of the owner or the name and address of the responsible party if the owner is a corporation, trust or other type of legal entity that is not a natural person and the name and address of the applicant shall be stated in the application.

The application for such certificate shall be submitted in such form as the building commissioner prescribes and shall be filed with the building commissioner within seven (7) days of the occurrence of whichever of the events described in subsections (A)(1) through (A)(4) of this section require an inspection and issuance of a certificate.

E. Action on Application. The building commissioner, his agent and duly qualified representative, shall examine or cause to be examined all applications for certificate of dwelling maintenance and occupancy permit and shall inspect or cause to be inspected the structure subject of the application within thirty (30) days time after filing. If the application and the structure conforms to the requirements of all pertinent laws of the city, the building commissioner shall issue the certificate within said thirty (30) days.

F. Scheduling of Inspections--Utility Services. Inspections and reinspections shall be scheduled for normal work days of the city and between the hours of eleven (11:00) o'clock a.m. and four (4:00) o'clock p.m. local time, excepting for the hour from twelve (12:00) o'clock noon to one (1:00) o'clock p.m.

Appointments for inspection and/or reinspection shall be made for time(s) of mutual convenience of the applicant and the building commissioner whenever possible and within the time frames specified above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the structure and to dwelling unit(s) therein within seven (7) days from the date of request by the city for gain of entry and free access, otherwise the provisions of Section 15.09.070(B) shall be invoked, including penalties.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and reinspection for the purpose of inspection of matters regulated by city building codes, including the city electrical code (Chapter 15.32) and the city plumbing code (Chapter 15.40).

G. **Unscheduled Inspections.** Nothing in this code shall be construed to prevent the building commissioner from performing inspections at unscheduled, random intervals or spontaneous frequency in furtherance of the implementation of this code, particularly in the instance of complaints brought to his attention, or in the course of a block or multi-block survey, or in the event of obvious cause.

H. **Fees.** The fee(s) for a certificate shall be as fixed by the city council from time to time as published in the annual fee ordinance of the city.
(Ord. 2381, Added, 07/18/2005)

Section 15.09.060 Inspections.

A. **General.** In order to safeguard the safety, health and welfare of the public, the building commissioner is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this code.

B. **Right of Entry.** If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where an inspection authorized by this code is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

Any persons who shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to any part of the structure or premises where inspection authorized by this code is sought shall be acting in violation of the provisions of this code and shall be held liable for payment of any legal costs incurred by the city in securing entry and free access to such premises, including court costs and reasonable attorney fees so incurred.

C. **Coordination of Enforcement.** Inspection of property the issuance of notices and orders and enforcement thereof shall be the responsibility of the building commissioner. Whenever inspections are necessary by any other department in connection with this code, the building commissioner shall make a reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with other inspectors for the purpose of eliminating conflicting orders before any are issued. An inspector shall not, however, delay the issuance of any emergency orders.

D. **Jurisdictional Cooperation.** The assistance and cooperation of police, fire, and health departments and all other officials shall be available to the building commissioner as may be required in the administration and enforcement of this code.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.070 Violations.

A. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the building commissioner, or to remove or deface a placard or notice posted under the provisions of this code.

Any person who shall violate or who shall maintain a violation of this code, or who shall contribute to a violation or to the maintenance of a violation of this code, shall be subject to prosecution and the penalty provisions of this code.

B. Injunction. If the owner or owners, including lien holders of record, fail to bring a building, structure, premises, or part thereof, including equipment into conformity with the minimum standards for health and safety as set forth in this code within the time specified in a notice of violation, the building commissioner may request the city's attorney to make application to a court of competent jurisdiction for an injunction requiring right of entry for inspection or compliance with this code or for such other order as the court may deem necessary or appropriate to secure compliance including the appointment of a receiver to cause such building, structure or premises or part thereof to conform to the standards and requirements of this code. (65 ILCS 5/11-31-2)

C. Prosecution for violation. In case of any unlawful acts (as described in subsection A of this section) the building commissioner shall institute an appropriate action or proceeding at law to exact the penalty provided by subsection D (entitled "Fine") of this section. Also the building commissioner shall request the city's attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such building or structure;
3. To require the removal of work in violation; or
4. To prevent the occupation or use of the structure which is not in compliance with the provisions of this code.

D. Fine. Any person, firm or corporation who shall violate any of the provisions of this code shall be guilty of a petty offense punishable by a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) plus costs. If more than one provision, standard or requirement of this code is violated, then each such provision, standard or requirement violated shall be considered to be a separate offense. Each day that a violation occurs or continues, after due notice has been served, shall be considered to be a separate offense for which the violator shall be liable to the maximum penalty herein specified for each violation.

E. Notice of Violation. When the building commissioner determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the following manner:

1. Such notice shall be in writing;
2. Include a description of the location of the real estate sufficient for identification;

3. Reference to the specific section of the code found violated;
4. Include an order allowing a reasonable time, not less than twenty (20) days, (except in a case of an emergency, including but not limited to, threat to health or physical safety) for the repairs and improvements required to bring the property or structure into compliance with the provisions of this code; and

5. Include a brief explanation of the owner's right to seek modification or withdrawal of the notice by petition to the property maintenance board of review.

F. Service--Notice of Violation. Notice shall be deemed to be properly served upon such owner if:

1. A copy of the notice is delivered to the owner personally; or
2. By leaving a copy of the notice at his usual place of abode delivered to the owner or to someone in his family that is age fourteen (14) or older who is informed of the contents thereof; or
3. By certified mail, return receipt requested; or
4. If such mailing is returned with receipt showing the notice has not been delivered or if the service is otherwise rejected or not deliverable, then by merely placarding the subject property or premises in accordance with the provisions of subsection E of this section.

G. Disclosure of Beneficiaries of Land Trusts and Owners of Property. The trustee who pursuant to a trust instrument has title to but no beneficial interest in real estate, after receipt (by such trustee) of the initial written notice or complaint of violation of this code shall disclose to the building commissioner the identity and address of every beneficiary of the trust having a beneficial interest in the trust. (765 ILCS 405-Land Trust Beneficial Interest Disclosure Act)

H. Premises of Uncertain Ownership. Notice of violation under this code shall be served on the owner or owners of the property and upon the lien holders of record. If upon diligent search, the identity or whereabouts of the owner or owners of the building and the lien holders of record are not ascertainable, notice mailed to the person or person in whose name the real estate was last assessed by the county assessor of the county in which the real estate is situated is sufficient notice under this code. (65 ILCS 5/11-31-1-Unsafe Buildings Act)

I. Placarding--Notice of Violation. When the building commissioner determines a violation of this code exists he may cause a notice of such violation to be posted in a conspicuous place near the main entrance of such building or structure; and if no such entrance exists, then at a conspicuous place upon the premises.

The notice shall be at least nine inches in height and fourteen inches in width and at the top thereof in large letters shall state "Notice of Violation." The text of such notice shall contain a reference to the provision of the code violated and may contain such other information regarding the nature of the violation as the building commissioner deems advisable.

J. Removal--Defacing--Penalty. Upon remedy of the cause of the violation for which notice is posted the building commissioner shall forthwith remove the notice. Any other person removing any such notice or defacing such notice shall be guilty of a petty offense and shall be fined not to exceed one hundred dollars (\$100.00). (50 ILCS 810/0.01, et seq., the Building Code Violation Notice Posting Act)

K. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit, structure, or premises upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the notice of violation have been complied with; except as hereinafter provided in the next succeeding paragraph of this section.

Notwithstanding the prior paragraph of this section, the owner of the property may dispose of the same without curing the violation if such owner shall first furnish the grantee, transferee, mortgagee, and lessee of the property a true copy of any notice of violation issued by the building commissioner and shall furnish to the building commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the responsibility without condition for making the corrections or repairs required by such notice of violation. (Ord. 2381, Added, 07/18/2005)

Section 15.09.080 Condemnation measures.

A. In General. When a structure or part thereof is found by the building commissioner to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, such structure may be closed from human use and occupancy by the building commissioner pursuant to the condemnation provisions of this code and Illinois state law and shall be placarded, vacated and shall not be reoccupied without approval of the building commissioner. Unsafe equipment shall be placarded and placed out of service.

B. Unsafe Structures--Defined. An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely.

C. Unsafe Equipment--Defined. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

D. Structure Unfit for Human Occupancy--Defined. A structure is unfit for human occupancy or use whenever the building commissioner finds that such structure is unsafe, unlawful, or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the city codes and ordinances.

E. Unlawful Structure Defined. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied in violation of this code and contrary to law.

F. Notice and Service of Violation Orders--Condemnation. Notice and service of violation orders shall have been as specified by subsection E of Section 15.09.070 of this code.

G. Placarding of Condemned Premises. Upon the instance of the initiation of an injunction involving a condemnation action, the building

commissioner shall placard the subject premises of the condemnation action; the premises shall be posted at the location specified by subsection I of Section 15.09.070 of this code.

The notice of condemnation shall be at least nine inches in height and fourteen (14) inches in width and at the top thereof in large letters shall state "Notice of Violation, Condemned as Unfit for Human Occupancy or Use by Order of the Building Commissioner of the City of Columbia, Illinois" and may contain such other information or instructions as the building commissioner deems necessary in the interest of the public health, safety and welfare.

H. Prohibited Use. Any person who shall occupy a condemned and placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy such a placarded premises shall be liable for the penalties provided by this code.

I. Service on Occupant. Upon the instance of the initiation of a condemnation action, the building commissioner shall serve written notice of condemnation upon the occupant of the subject building or part thereof ordering the condemned premises to be vacated.

1. If the occupant is other than the owner or person responsible for remedying the objectionable condition, a reasonable time to vacate the premises after noncompliance shall be stated.

2. Owners or persons responsible for compliance shall vacate the premises at the time stated in the notice of violation for correction of the defects if there is failure to comply.

J. Penalties. Penalties for noncompliance with orders and notices to vacate shall be as prescribed in subsection D of section 15.09.070 of this code.

K. Closing of Vacant Structures--Temporary Measures. If a structure or a part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, upon the instance of a condemnation action the building commissioner shall proceed to placard the premises in the manner prescribed above and may order the structure closed up as a temporary measure so as not to be an attractive nuisance to youngsters. Upon failure of the owner to so close up the premises within the time specified in the order, the building commissioner may cause the premises to be so closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate, which lien may be foreclosed in a manner similar to the foreclosure of real estate liens in real estate mortgage foreclosure actions or actions to foreclose mechanic's liens in the state of Illinois.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.090 Demolition or repair of dangerous buildings.

The corporate authorities may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or structures or uncompleted and abandoned buildings or structures within the corporate limits of the city in accordance with, pursuant to, and as is required by Chapter 15.20 of the city's municipal code and/or Section 11-31-1 et seq. of the Illinois Municipal Code (65 ILCS/11-31-1, et seq.-Unsafe Building Act).

(Ord. 2381, Added, 07/18/2005)

Section 15.09.100 Emergency measures.

A. Vacating Structures. When, in the opinion of the mayor, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or use of defective or dangerous equipment, the mayor, following the procedures required by section 11-1-6 of the Illinois Municipal Code, is authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by emergency order of the City of Columbia." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure and/or its contents, making the required repairs, removing the hazardous condition, or of repairing to make safe or demolishing the structure as authorized by the mayor. (65 ILCS 5/11-1-6 Emergency Powers of Mayor).

B. Closing Streets. When necessary for the public safety, the mayor shall temporarily close sidewalks, streets, places and premises adjacent to such unsafe structure, and prohibit the same from being used.

C. Emergency Work. For the purposes of this section, the mayor shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

D. Cost of Emergency Work. Costs incurred in the performance of emergency work shall be paid from the treasury of the city on certificate of the mayor. The legal counsel of the city shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

E. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the property maintenance board of review be afforded a hearing as provided in Section 15.09.110 of this code.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.110 Right of appeal.

A. Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the property maintenance board of review.

B. Property Maintenance Board of Review. In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, the property maintenance board of review is charged with the jurisdiction to hear and the authority to decide all grievances from a decision, determination or action of the building commissioner or mayor for actions taken under Section 15.09.100 of this code and the implementation and administration of this code.

C. Membership and Organization. The membership, organization and operation of the property maintenance board of review shall be comprised of a general contractor, a plumbing contractor, and an electrical contractor appointed by the mayor with the advice and consent of the city council, and two members

of the city council. The decision of the majority of a quorum of the board shall control on all matters to be decided by the board, except for appeals of decisions of the mayor under Section 15.09.100 of this chapter, for which a four-fifths majority of the members of the board holding office shall be required.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.120 Disclaimer of liability.

A. No officer, city council member, agent or employee of the city, (including the building commissioner and his duly authorized agents), shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under the Residential Property Maintenance Code. (See “Local Government and Governmental Employees Tort Immunity Act”, 745 ILCS 10/1-101, et. seq.

B. Any suit brought against any officer, city council member, agent or employee of the city, (including the building commissioner and his duly authorized agents), as a result of any act required or permitted in the discharge of his duties under this Residential Property Maintenance Code, shall be defended by the Municipal Attorney (or outside counsel of the city’s choosing) until the final determination of the legal proceedings.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.130 Disclaimer of warranties.

The issuance of a Certificate of Dwelling Maintenance and Occupancy Permit in accordance with the requirements of this Residential Property Maintenance Code (chapter 15.09 of the City of Columbia Municipal Code) shall not be and shall not be regarded or construed as any type of warranty to the owner(s) and occupant(s) of the property for which the permit is issued regarding the fitness or condition of the dwelling or other real estate improvements for which the permit is issued. No property owner or occupant shall have any claim or cause of action against the city or any officer, city council member, agent or employee, (including the city building commissioner and his duly authorized agents) for defects or hazards existing in or connected to the property for which a Certificate of Residential Property Maintenance Permit is issued or for which there was a city inspection in connection with the issuance of such a permit.

(Ord. 2381, Added, 07/18/2005)

Section 15.09.140 Indemnity.

The city shall hold the city officers, city council members, agents and employees (including the building commissioner and his duly authorized agents) for acts required or permitted in the discharge of their duties under this Residential Property Maintenance Code (chapter 15.09 of the City of Columbia Municipal Code) safe, free and fully indemnified from all claims and causes of action for property damage or personal injury to property owner(s), property occupant(s) and all others that occur as a result of any act required or permitted in the discharge of their duties under this Residential Property Maintenance Code, (including but not limited to the performance of property inspections and issuance of Certificate of Dwelling Maintenance and Occupancy Permits); except for acts involving gross negligence or wrongful willful acts or omissions.

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The indemnity shall include payment of, or reimbursement for, all attorneys' fees and court costs incurred in defending such claims or cause of action and reasonable attorneys' fees and court costs required to be incurred in enforcing the indemnity provided for herein.

(Ord. 2381, Added, 07/18/2005)

Chapter 15.12

HOUSE NUMBERING

Sections:

15.12.010 House numbering required.

15.12.020 Fractional spaces.

15.12.030 Unit system of numbering.

15.12.040 Chart.

15.12.050 Number on house.

Section 15.12.010 House numbering required.

All lots, buildings and structures in the city shall be numbered in accordance with the following plan:

A. Main Street shall be the dividing base line for all east and west streets; Legion Avenue shall be the dividing base line for all north and south streets.

B. All blocks and streets, except as hereinafter provided, shall be divided into as many twenty-five (25) foot spaces as possible.

C. When numbering east from Main Street, the measurements shall commence from the east line of Main Street, and when numbering south from Legion Avenue, from the south line thereof.

D. The measurements shall extend from the starting points respectively along the block frontage and across the next street, which place shall be a new starting point, and the measurements shall, in a similar manner, be continued along the whole street. (Prior code § 33-5-1)

Section 15.12.020 Fractional spaces.

Each block and street as aforesaid, except as hereinafter provided, shall be divided into as many twenty-five (25) foot spaces as possible, and in case there is a fraction left over, exceeding one-half of such space; then such fraction is to be considered and treated as a part of the space adjoining it. (Prior code § 33-5-2)

Section 15.12.030 Unit system of numbering.

The numbering shall be made on the unit system; that, each block and/or block unit shall be one hundred (100), and multiples of one hundred (100), as indicated on a plat of the city, on file in the office of the city clerk. All of the spaces above mentioned shall be numbered from the base or dividing lines.

A. All of the spaces on the east or south side of any street shall be numbered with even numbers, commencing at the base line with one hundred two (102), and numbering consecutively therefrom to the next starting point; and

B. All of the spaces on the west or north side of any street shall be numbered with odd numbers, commencing at the base line with number one hundred one (101), and numbering consecutively therefrom to the next starting point; and then, in each case, the second multiple of one hundred (100) shall be used, and so on along the length of the streets. (Prior code § 33-5-3)

Section 15.12.040 Chart.

The city clerk shall keep a chart showing the proper street number of every lot in the city, which chart shall be open for inspection by anyone interested therein. (Prior code § 33-5-4)

Section 15.12.050 Number on house.

It shall be the duty of the owner and occupant of every house in the city to have placed thereon, in a place visible from the street, figures showing the number of that house; any person, firm or corporation failing to so number any house owned or occupied by him or if after receiving notice to do so from the city clerk shall fail to do so shall be fined one dollar (\$1.00) for each day on which the failure to so number continues. (Prior code § 33-5-5)

Chapter 15.16

MOVING BUILDINGS

Sections:

- 15.16.010 Permit required.**
- 15.16.020 Approval--Fee.**
- 15.16.030 Bond.**
- 15.16.040 Lights and warnings.**
- 15.16.050 Wires--Cutting.**
- 15.16.060 Fire alarm wires.**
- 15.16.070 Violation--Penalty.**

Section 15.16.010 Permit required.

No person, firm or corporation shall move any building, on, through or over any street, alley, sidewalk or other public place in the city without having first obtained a permit from the city council. Applications for such permits shall be made in writing to the city clerk and shall state thereon the proposed route and the number of days it is intended that the building should occupy any portion of any street, alley, sidewalk or other public place. (Prior code § 33-6-1)

Section 15.16.020 Approval--Fee.

Upon the approval of the intended route by the city council a fee of fifty dollars (\$50.00) for each day or fraction thereof that the building shall occupy any such portion of any such public place shall be paid to the city clerk. (Prior code § 33-6-2)

Section 15.16.030 Bond.

Every person, firm or corporation applying for a permit under this chapter shall submit with his application a bond in the sum of fifty thousand dollars (\$50,000.00), conditioned on his compliance with all the provisions of this chapter, and agreeing to pay, and holding the city harmless from any claim which may be made against it by reason of the occupation of any street, sidewalk, alley or other public place by the building or structure moved. (Prior code § 33-6-3)

Section 15.16.040 Lights and warnings.

Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the superintendent of maintenance so as to warn vehicles and persons from entering that portion of the street which is so blocked. The person, firm or corporation moving any building through the streets shall keep warning signs and lanterns or lights at night on the building so as to guard against any person or vehicle from colliding with it. (Prior code § 33-6-4)

Section 15.16.050 Wires--Cutting.

Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the mayor shall cause there to be an estimate of the expense of the fixing the wires and the bond to be given to cover this. (Prior code § 33-6-5)

Section 15.16.060 Fire alarm wires.

When any such moving building shall approach any fire alarm wire or pole which shall be endangered by the removal of such building, it shall be the duty of the mover to notify the city clerk at least six hours before reaching such wire or pole so that they may be removed or cared for by the authorities of the municipality. (Prior code § 33-6-6)

Section 15.16.070 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 33-6-7)

Chapter 15.20

DANGEROUS BUILDINGS

Sections:

- 15.20.010 Dangerous buildings defined.**
- 15.20.020 Existence of dangerous building unlawful.**
- 15.20.030 Abatement generally.**
- 15.20.040 Abatement of open and vacant dangerous buildings posing an immediate and continuing hazard to the community.**
- 15.20.045 Abatement of methamphetamine contamination.**
- 15.20.050 Fire limits.**
- 15.20.060 Violation--Penalty.**

Section 15.20.010 Dangerous buildings defined.

The term "dangerous buildings," as used in this chapter is defined to mean and include:

A. Any building, shed, fence or other manmade structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures;

B. Any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

C. Any building, shed, fence or other manmade structure, which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

D. Any building, shed, fence or other manmade structure, which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the city is declared to be a nuisance. (Prior code § 5-2-1)

E. Any building, shed or other manmade structure used to manufacture or store methamphetamine until it is cleaned up and the contamination abated in compliance with Section 15.20.045 of this chapter.

(Ordinance No. 2536, Added, 03/19/2007, Added subsection E.)

Section 15.20.020 Existence of dangerous building unlawful.

It is unlawful to maintain or permit the existence of any dangerous building in the city; and it is unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. (Prior code § 5-2-2)

Section 15.20.030 Abatement generally.

A. Notice. Pursuant to 65 ILCS 5/11-31-1(a), whenever the building inspector, fire marshal or health officer shall be of the opinion that any building or structure in the city is a dangerous building, he or she shall file a written statement to this effect with the city clerk. The clerk shall thereupon cause written notice to be served upon the owner thereof, the occupant

thereof, and any lien holders of record, by registered mail or by personal service. The notice shall state that the building has been declared to be in a dangerous condition, and that the dangerous condition must immediately be removed or remedied by repair, alteration or demolition of the building. Such notice may be in the following terms:

To _____ (owner/occupant/lien holder) of the premises known and described as _____.

You are hereby notified that (describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____. The causes for this decision are (insert facts as to dangerous condition). You must remedy this condition or demolish the building immediately, or the City will seek a Court Order allowing the City to demolish the dangerous building, or otherwise remedy the dangerous condition, at the owner or owners' expense.

B. City May Demolish the Dangerous Building or Remedy the Dangerous Condition Upon Granting of Court Order. If the person receiving the notice has not complied therewith or taken an appeal from the dangerous condition determination within fifteen (15) days from the date of service of the notice, the city may file suit in the circuit court of competent jurisdiction for an order allowing the city to demolish the dangerous building or otherwise remedy the dangerous condition, at the expense of the owner or owners.

C. City's Costs Recoverable by Lien. The city's costs of demolition of the dangerous building or repair of the dangerous condition is recoverable by property lien, to be filed within one hundred eighty (180) days after the remedial action. (Amended during 1997 codification: prior code § 5-2-3)

Section 15.20.040 Abatement of open and vacant dangerous buildings posing an immediate and continuing hazard to the community.

A. Notice. Pursuant to 65 ILCS 5/11-31-1(e), whenever the building inspector, fire marshal or health officer shall be of the opinion that a residential building two stories or less in height is a dangerous building, and furthermore is a building which is open and vacant, and which poses an immediate and continuing hazard to the community requiring expedited demolition of the building or removal of the hazard, he shall file a written statement to this effect with the city clerk. The clerk shall thereupon cause the following notices to be carried out as soon as practical:

1. A notice not less than two feet by two feet in size shall be posted on the front of the building, dated the date of the posting, stating that: (a) the building has been declared in a dangerous condition and an immediate and continuing hazard to the community; (b) the reason the dangerous condition is declared; and (c) that unless the dangerous building is demolished or the dangerous condition otherwise remedied by the owner or owners or lienholders of record, same will be performed by the city, at the owner or owners' expense;

2. As soon as practical, and not later than thirty (30) days after posting of notice on the premises, a written notice shall be sent, by certified mail, return receipt requested, to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the city to demolish the dangerous building, or otherwise remedy the dangerous condition, if action is not taken by the owner or owners. Such notice may be in the following terms:

To _____ (owner/lien holder) of the premises known and described as _____

You are hereby notified that (describe building) on the premises above mentioned has been condemned as a nuisance, a dangerous building, and an immediate and continuing hazard to the community by _____. The causes for this decision are (insert facts as to dangerous condition). You must remedy this condition or demolish the building immediately, or the City will do so, at the owner or owners' expense.

3. As soon as practical, and not later than thirty (30) days after posting of notice on the premises, a published notice shall be made in the newspaper published or circulated in the city for three consecutive days, setting forth: (a) the permanent tax index number and address of the building; (b) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community; and (c) a statement of the city's intention to demolish the dangerous building or, if appropriate under the circumstances, correct the dangerous condition, if the owner or owners or lienholders of record fail to do so.

A person objecting to the proposed actions of the city may file his or her objection in an appropriate form in a court of competent jurisdiction.

B. City May Demolish the Dangerous Building or Remedy the Dangerous Condition Without Court Order. If the owner or owners of the dangerous building have not demolished same, or otherwise corrected the dangerous condition within thirty (30) days of the mailing of notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within thirty (30) days of the last day of publication of the notice, whichever is later, the city shall have the power to demolish the dangerous building, or otherwise correct the dangerous condition, at the expense of the owner or owners.

C. City's Costs Recoverable by Lien. The city's costs of demolition of the dangerous building or repair of the dangerous condition is recoverable by property lien, to be filed within one hundred eighty (180) days after the remedial action. (Amended during 1997 codification: prior code § 5-2-4)

Section 15.20.045 Abatement of methamphetamine contamination.

A. Methamphetamine Contamination of Buildings or Structures Illegal. It is unlawful to maintain or permit _____ the existence of a building or other structure in the city which has been used for the manufacture or storage of _____ methamphetamine (meth) until the abatement and cleaning practices required by this section of the Dangerous Buildings Code have been complied with, and it is unlawful to occupy such building or structure or to permit the _____ same to be occupied until said abatement has been fully completed and an occupancy permit for the same has _____ been issued by the city's building inspector.

B. Methamphetamine Contamination Abatement. Whenever a building or other structure or definable portion thereof is determined to have been exposed to toxic chemicals from the manufacture and/or storage of methamphetamine (meth) by a law enforcement officer, a health inspector, a city building inspector or other public safety officer, the building or structure or definable portion thereof suspected to be contaminated shall be required to be vacated and to remain unoccupied until cleaned and the contamination abated in accordance with the requirements of subsection "C" of this section of the city's Dangerous Buildings Code.

C. Methamphetamine Abatement Procedure. The owner(s) or other person or party having the occupancy or control of a building or other structure, or definable portion thereof, determined to be a dangerous building or structure due to meth contamination shall be required to have performed, by persons certified in Hazardous Material Awareness and Response, the following before an occupancy permit to allow the occupancy and use of the same will be issued by the city's building inspector:

1. Contact the local law enforcement agency to ensure that a hazardous materials response team has removed all bulk chemicals and equipment used to make meth.
2. Ventilate the building or structure before, during and after cleanup.
3. Do not attempt to perform cleanup activities without using personal protective equipment including gloves, long sleeves, long pants, sturdy shoes, a dust mask and protective eyewear.
4. Remove and dispose of all upholstered furniture, mattresses, carpet, and other non-machine washable items. These materials should be double bagged when possible, and quickly disposed of in a landfill to prevent reuse.
5. Remove and dispose of clothing, toys, bedding, bottles, and other personal items used by infants and toddlers. Clothing and personal items for older children and adults may be machine washed two (2) times in hot water and detergent.
6. Inspect appliances, wall board, ceiling tiles, and plumbing fixtures throughout the entire building or structure. Remove and dispose of all visibly contaminated items, or any items that have an odor. Follow the disposal practices described above. If any plumbing fixtures or drains need to be flushed, removed or replaced, contact a professional.
7. Thoroughly clean all surfaces using a detergent and water solution. Be sure to wear proper personal protection including gloves, long sleeves, long pants, sturdy shoes, a dust mask and protective eyewear. Be sure to change cleaning solution frequently. Rinse all surfaces with clean water after using the detergent solution. Repeat the cleaning and rinsing procedure two (2) additional times.
8. Repaint surfaces after cleaning. An oil-based primer followed by another coat of paint is recommended.
9. Replace all filters in the heating, ventilating and air conditioning (HVAC) system, including window units. For HVAC systems with sheet metal surfaces, each opening into the duct should be

vacuumed and washed at least two (2) feet inside the duct. If this is not possible, contact a HVAC professional.

10. Ventilate the building for three (3) to five (5) days after cleaning.
11. Contact a professional cleaning contractor if odors or stains remain or reappear after cleaning.
12. Have the premises inspected and cultures taken for environmental testing by a State of Illinois licensed Hazardous Materials Team.
13. Submit a request for an occupancy permit and a report from a state licensed environmental laboratory to the Columbia police chief and the Columbia building inspector showing the subject premises to have a minimum reportable limit of contamination of less than 0.1 ug/wipe.

D. Notice to Abate Toxic Contamination.

(1) Abatement Notice. Whenever a law enforcement officer, building inspector, health officer, fire chief or fire marshal, or other public safety officer has reasonable grounds to believe that a building or other structure or a definable portion thereof may be contaminated by toxic chemicals created by meth manufacture and/or storage, he or she shall file a written statement to that effect with the city's chief of police and/or the city's building inspector. The building inspector and/or the police chief or their designee shall thereupon cause written notice to be served upon the owner(s) of record of the building or structure and/or the person in charge of or in control of the same and any lien holder(s) of record, by registered mail or by personal service. The notice shall state that the toxic nuisance must be abated in accordance with the requirements of subsection "C" hereof and that the premises must be immediately vacated and an occupancy permit to be issued by the city's building inspector shall not be issued and the occupancy thereof may not be restored until the contamination abatement has been completed to the satisfaction of the city's police chief and/or the city's building inspector or their designee.

(2) Form of Abatement Notice. Such notice may be in the following form:

TO: _____ (owner/occupant/lien holders) of the premises known and described as (or having the assigned address of).

YOU ARE HEREBY NOTIFIED that (describe building or structure applicable thereto) on the premises above-mentioned has been condemned as a nuisance and a dangerous building or structure after inspection by _____. The cause for this decision is the manufacture and/or storage of methamphetamine causing the likely contamination of the same by toxic chemicals. You must immediately vacate the premises or cause the same to be vacated until the toxic nuisance is abated following the procedures required by Subsection "C" of Section 15.20.045 of the City's Municipal Code (a copy of which is attached hereto) and an occupancy permit has been

issued by the City's Building Inspector to allow the building or structure to be occupied and used for occupancy. You are to clean the subject building or structure and abate said nuisance as required by said Subsection C of this Section 15.20.045 of the City's Municipal Code within sixty (60) days of date of this Notice (unless you are granted an extension by the City's Police Chief or Building Inspector or their designee) or the City will seek a Court Order allowing the City to abate the nuisance or demolish the building or structure, at the expense of the property owner.

E. Abatement by City. The city may abate the methamphetamine contamination or demolish the building or structure upon the granting of a court order. If the person receiving the notice has not commenced to comply therewith within fifteen (15) days from the date of the service of the notice or has commenced compliance but is not making a reasonable effort to complete the same in the opinion of the city's city council (based upon advise received from the city's police chief and/or building inspector), the city may file suit in a court of competent jurisdiction seeking an order allowing the city to abate the toxic nuisance or demolish the building or structure, at the expense of the property owner.

F. City's Costs Recoverable from Property Owner. The city's cost of toxic nuisance abatement or demolition of a dangerous building or structure due to methamphetamine contamination shall be recoverable by a property lien and/or an action at law against the property owner to be filed within one hundred eighty (180) days after the remedial action.

(Ordinance No. 2536, Added, 03/19/2007, Added Abatement of meth contamination.; Ordinance No. 2536, Added, 03/19/2007, Added new section - Abatement of meth contamination.)

Section 15.20.050 Fire limits.

Any frame building or a structure within the fire limits of the city as hereinbefore prescribed by ordinance, which has or may be damaged by fire, decay or other causes to the extent of fifty (50) percent of its value, shall be torn down and removed, or rebuilt with nonflammable walls.

A. Evaluation of Damage Extent to be Confirmed by Three-Member Board. Upon written notice by the building inspector, health officer or fire marshal to the effect that a building or structure has been damaged to the extent of fifty (50) percent of its value, filed with the city clerk, the clerk shall notify the mayor and city council. The mayor, by and with the advice and consent of the city council, shall then appoint a three-person board (including the naming of the chairman of said board) to confirm whether or not such building or structure has been damaged to the extent of fifty

(50) percent of its value.

B. Notice. The clerk shall cause written notice of the appointment of this three-person board to be served upon the property owner or owners, by personal service or by regular mail at his or her last known address. Such notice may be in the following terms:

To _____, owner of the premises known and described as _____

You are hereby notified that _____ has determined that the building owned by you at _____, located within the fire limits of the City, has been damaged by fire, decay or _____ otherwise to the extent of fifty percent (50%) of its value and that a board of three (3) persons has been appointed to verify this finding, which board shall hold its first meeting in the City Hall on _____ the _____ day of _____, _____, at the Hour of _____ O'Clock, at which time it will determine whether or not this finding is correct.

If this finding is verified by the board of three (3) members, and it determines that the building in question has been damaged to the extent of fifty percent (50%) of its value, the City Clerk shall cause written notice of the finding to be served on the owner or owners, by personal service or by regular mail at his or her last known address. The notice shall clearly state it is the duty of the _____ owner to tear down and remove said building within twenty (20) days after the finding of such board, or to remodel it to comply with the requirements of new buildings in the fire limits; and it _____ shall be unlawful to occupy or permit the occupancy of such building after such finding until it is so remodeled.

C. Abatement. If the owner has not demolished the building, or otherwise brought the premises into compliance with this chapter, within twenty (20) days of the board finding that the building has been damaged to the extent of fifty (50) percent of its value, in addition to imposing the money penalty permitted by Section 15.20.060, the city clerk may declare the fire or decay damaged _____ building a dangerous building and pursue city conducted demolition, pursuant to the procedures and requirements of Section 15.20.030 or 15.20.040, whichever is deemed to be appropriate _____ under the circumstances.

(Amended during 1997 codification: prior code § 5-2-5)

(Ordinance No. 3354, Amended, 11/20/2017, Amended Section 15.20.050 Fire Limits)

Section 15.20.060 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter, or permitting any dangerous building, or any building or structure to remain in a dangerous condition, or to remain in the fire limits without remodeling as above provided for, after it has been damaged to the extent of fifty (50) percent of its value, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

(Amended during 1997 codification: prior code § 5-2-6)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.24**DEMOLITION OF BUILDINGS****Sections:**

- 15.24.010 Demolition permit.**
- 15.24.020 Disconnection of utility services.**
- 15.24.030 Restoration of lot.**
- 15.24.040 Proof of ownership.**
- 15.24.050 Fees.**
- 15.24.060 Violation--Penalty.**

Section 15.24.010 Demolition permit.

No building as defined in Section 17.04.030 shall be demolished or razed until the required fee has been paid and a demolition permit has been issued by the building inspector by and on behalf of the building and zoning department of the city. The application for the demolition permit shall be filed with and the required fee paid to the city clerk who shall refer the application to the building and zoning department of the city for its review and approval. If approved by the building and zoning department, the city building inspector shall issue a demolition permit for the proposed demolition. If the application is denied, a letter of explanation from the building inspector shall specify the requirements necessary to be satisfied in order to obtain issuance of the demolition permit. The application for a demolition permit shall be executed by the owner of the real estate premises on which the building sought to be demolished is located or his or its duly authorized agent and proof of ownership of the subject real estate (such as but not limited to, a real estate deed or title insurance policy) shall accompany the application for the demolition permit. (Ord. 760 § 1 (part), 1989: prior code § 40-12-3(A))

Section 15.24.020 Disconnection of utility services.

Before a demolition permit can be issued, all service connections for utilities serving the building sought to be demolished shall be disconnected by the providers of the services involved and proof thereof satisfactory to the building inspector shall be submitted to the building inspector prior to issuance of the demolition permit, anything in this chapter to the contrary notwithstanding. The service connections shall include, but not necessarily be limited to, utility services for water, electric, natural gas and sanitary sewer. (Ord. 760 § 1 (part), 1989: prior code § 40-12-3(B))

Section 15.24.030 Restoration of lot.

When a building is demolished pursuant to a demolition permit issued by the city, the debris created thereby shall be removed from the real estate premises and disposed of at a solid waste landfill authorized to receive the same under the laws in such cases made and provided or as may be otherwise authorized by law, within fourteen (14) days after the building is demolished. All combustible materials shall be removed from the premises. Basement floors shall be removed and cavities (such as but not limited to those created by basements, cisterns, septic tanks or cellars) shall be backfilled with dirt (and not with debris or other types of combustible or noncombustible fill material).

Prior to backfilling of such cavities, the premises shall be inspected by the building inspector to verify compliance with the provisions hereof. Backfilling prior to obtaining the necessary inspection by the building inspector may result in removal of the fill material at the property owner's expense, in order to verify compliance herewith. After demolition of the building and removal of the debris created thereby, the real estate premises shall be graded, seeded and maintained in conformity to the established street grades at curb level (where there are curbs) or street level (where there are no curbs) at the subject building site. Finish grading shall be made and maintained so as to avoid the accumulation of water on the subject real estate premises or the illegal diversion of water onto adjoining real estate premises. (Ord. 760 § 1 (part), 1989: prior code § 40-12-3(C))

Section 15.24.040 Proof of ownership.

If required by the department of building and zoning, before a demolition permit shall be approved by the department, the owner of the subject property or his or its authorized agent shall provide the city with a commitment for title insurance, a land title certificate, a title insurance company letter report or other appropriate evidence of ownership of the property where the building sought to be demolished is situated, same to be issued by a reputable title insurance company of applicant's selection and at applicant's expense. (Ord. 760 § 1 (part), 1989: prior code § 40-12-3(D))

Section 15.24.050 Fees.

The fees to be charged by the city for processing of a demolition permit application and issuance of a demolition permit, shall be in an amount and for a term to be set by city ordinance from time to time. (Amended during 1997 codification: Ord. 760 § 1 (part), 1989: prior code § 40-12-3(E))

Section 15.24.060 Violation--Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

(Ord. 760 § 1 (part), 1989: prior code § 40-12-3(F))

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.28

MISCELLANEOUS CONSTRUCTION REGULATIONS

Sections:

- 15.28.010 Use of streets.**
- 15.28.020 Night operations.**
- 15.28.030 Sidewalks.**
- 15.28.040 Safeguards.**
- 15.28.050 Violation--Penalty.**

Section 15.28.010 Use of streets.

The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than eighteen (18) feet; provided, that no portion of the street other than that directly abutting on the premises on which work is being done shall be used, except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file an application for a permit therefor with the city clerk, together with a bond with corporate sureties to be approved by the city council, to indemnify the city for any loss or damage which may be incurred to it by reason of such use and occupation. (Prior code § 5-4-1)

Section 15.28.020 Night operations.

No construction or alteration operations shall be carried on at nighttime if the same are accompanied by loud noises. (Prior code § 5-4-2)

Section 15.28.030 Sidewalks.

No sidewalk, curbing or guttering shall be obstructed in the course of building construction or alteration without a special permit from the city being first obtained. (Prior code § 5-4-3)

Section 15.28.040 Safeguards.

It shall be the duty of the person or corporation doing any construction, altering or wrecking work in the city to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is danger to pedestrians from falling articles or materials. (Prior code § 5-4-4)

Section 15.28.050 Violation--Penalty.

Any person, firm or corporation violating any provision of this

chapter shall be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior code § 5-4-5)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.32

ELECTRICAL CODE

Sections:

- 15.32.010 Electrical equipment defined.**
- 15.32.020 Electrical commission-- Established.**
- 15.32.030 Electrical commission--Duties.**
- 15.32.040 Electrical inspector.**
- 15.32.050 Installation or alteration of electrical equipment--Permit required.**
- 15.32.060 Inspections.**
- 15.32.070 Certificate of inspection.**
- 15.32.080 National Electrical Code.**
- 15.32.090 Time of inspection.**
- 15.32.100 Records.**
- 15.32.110 Installation regulations.**
- 15.32.120 Inspection fees.**
- 15.32.130 Annual inspections.**
- 15.32.140 Right of appeal.**
- 15.32.150 Rules governing electrical installations.**
- 15.32.160 Services.**
- 15.32.170 Electrical contractors.**
- 15.32.180 Violation--Penalty.**

Section 15.32.010 Electrical equipment defined.

The term "electrical equipment," as used in this chapter, means conductors and equipment installed for the utilization of electricity but does not include apparatus, conductors and other equipment installed by public utilities, including common carriers, which are under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities. (Ord. 1431 § 1, 1996)

(15.32.010 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.020 Electrical commission-- Established.

There is hereby established an Electrical Commission which shall consist of six (6) members, as follows:

The Electrical Inspector, who shall be ex-officio chairman of such commission; of the other five (5) members, one (1) shall be a registered professional engineer; one (1) shall be a registered electrical contractor; one (1) shall be a journeyman electrician; one (1) shall be a representative of an inspection bureau maintained by the fire underwriters (or Chief of the Fire Department); and one (1) shall be a representative of an electrical utility company. Such members shall be appointed for a term of four (4) years by the Mayor with the advice and consent of the City Council. The Electrical Inspector shall serve on such commission without additional compensation therefor. The members shall receive no compensation as members of the Commission. (Ord. 1431 § 2, 1996)

(15.32.20 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.030 Electrical commission--Duties.

The Electrical Commission shall recommend safe and practical standards, and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions that prevail in the City, shall recommend reasonable rules and regulations governing the issuance of permits by the Electrical Inspection Department and shall recommend reasonable fees to be paid for inspection by the Electrical Inspection Department of all electrical equipment installed or altered within the City of Columbia. Such standards and specifications, rules and regulations and fees shall not become effective until adopted by ordinance by the City Council. (Ord. 1431 § 2-1, 1996)

(15.32.030 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.040 Electrical inspector.

A. Appointment. There is hereby created the Office of Electrical Inspector. The person chosen to fill the Office of Electrical Inspector shall be a competent electrician of good moral character. He shall have had at least five (5) years experience as a journeyman in the practice of his trade, or three (3) years training in a recognized college of electrical engineering and in addition thereto, two (2) years of practical experience in electrical construction for safety to life and property, and have knowledge of the statutes of the State of Illinois relating to electrical work and rules and regulations issued by the Fire Marshall of Illinois under authority of the safety rules and standards approved by the American Engineering Standards Committee. The Electrical Inspector shall be appointed by the Mayor, by and with the advice and consent of the City Council.

B. Fees. The City Clerk shall collect all fees in advance and shall turn all fees over to the City Treasurer for use by the City and shall make a monthly report to the City Council in relation thereto.

C. Salary. The salary of the Electrical Inspector shall be set by the City Council. (Ord. 1431 § 3, 1996)

(15.32.040 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.050 Installation or alteration of electrical equipment--Permit required.

Work permits are required for all electrical installations, alterations and replacements of electrical wiring, equipment, supplies or devices to be installed in or on property or improvements on property in the City, as follows:

A. Where any building is undergoing remodeling, all changes to be made to the electrical installation must be reviewed with the City's Electrical Inspector and a work permit obtained before the work proceeds.

B. The City's Electrical Inspector shall issue work permits to licensed electrical contractors or a homeowner, provided the homeowner personally performs the electrical work and provided the electrical work is to be installed in the home occupied by the owner and that the home is a single family residence or owner occupied duplex.

C. When a work permit is issued, as provided in the preceding subsection B of this section, the Electrical Inspector will inspect such installation and will issue a certificate of approval if the installation meets the requirements of the City's Electrical Code. If the installation fails to meet the requirements of the City's Electrical Code, the permit shall be revoked. (Ord. 1840 § 1, 2000; Ord. 1431 § 3-1, 1996)

(15.32.050 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.060 Inspections.

A. The Electrical Inspector shall inspect and shall require that all work and installations conform to the standards and specifications applicable thereto which have been recommended and adopted as herein provided.

B. The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties, for the purpose of making any inspection or test of the installation or alteration of electrical equipment contained therein, and shall have the authority to cause the turning off of all electrical currents and to cut or disconnect any conductors where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department. (Ord. 1840 § 3, 2000; Ord. 1431 § 3-2, 1996)

C. Any re-inspection of any wiring installation made necessary through the failure of the contractor or homeowner wiring his own home, to properly install same, or in violation of the rules, shall be charged Twenty-Five Dollars (\$25.00) for each additional inspection. The re-inspection fee is to be paid by the contractor or homeowner wiring his own home.

(15.32.060 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.070 Certificate of inspection.

Upon the completion of the installation or alteration of electrical equipment in any building, it shall be the duty of the person installing or altering the same to notify the Electrical Inspector who shall inspect the work within forty-eight (48) hours after such notice is given, and if such electrical equipment is found to be fully in compliance with this ordinance, and does not constitute a hazard to life or property, he shall issue to such person for delivery to the owner, a Certificate of Inspection authorizing connection to the electrical service by Illinois Power Company or the Monroe County Electrical Cooperative, and the company turning on the current for owner with certificate of final inspection. All wiring which is to be hidden from view shall be inspected before concealment and any person installing such wires shall notify the Electrical Inspector giving him forty-eight (48) hours in which to make the required inspection before such wires are concealed. (Ord. 1431 § 3-4, 1996)

(15.32.070 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.080 National Electrical Code.

No Certificate of Inspection shall be issued unless the electrical equipment is in strict conformity with the provisions of the ordinances of this City and with the statutes of the State of Illinois. Compliance with the regulations as laid down from time to time in the National Electrical Code, as approved by the American Engineering Standards Committee, unless in conflict with such ordinances or statutes, shall be prima facie evidence of proper installation or alteration. (Ord. 1431 § 3-5, 1996)

(15.32.080 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.090 Time of inspection.

The provisions for inspection of work authorized by the permits issued in accordance herewith shall not be construed as prohibiting the inspection of any electrical equipment whenever the Electrical Inspector shall determine that the public safety requires it. (Ord. 1431 § 3-6, 1996)

(15.32.090 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.100 Records.

The Electrical Inspection Department shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter. (Ord. 1431 § 3-7, 1996)

(15.32.100 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.110 Installation regulations.

A. Any electrical installation not covered by the following rules shall be governed by the current National Electrical Code as adopted by the American Engineering Standards Committee, with such modifications and exceptions as are recommended by the Electrical Commission.

B. Where any building is undergoing remodeling, any changes to be made in the electrical installation must be taken up with the Electrical Inspector and approval obtained before the work proceeds.

C. An inspection and certificate of approval by the Electrical Inspector will be required on the wiring in all new buildings or in remodeled buildings before the same will be connected to supply lines.

D. Temporary permits may be issued at the option of the Electrical Inspector. Permits shall be taken out for both old and new work and shall cover all work to be done. Permits must be obtained before work is started and such permits are not transferrable.

E. Permits shall be issued only to Registered Electrical Contractors, or a homeowner, provided such homeowner is qualified to perform electrical construction work, and provided that such electrical construction work is to be installed in the home occupied by the owner and that the home is a single-family residence. The Electrical Inspector shall pass upon the qualifications of the homeowner.

F. In order for permits to be issued to homeowners, as provided in said subsection E above, the homeowner must demonstrate to the satisfaction of the Electrical Inspector that he is qualified to perform electrical construction work, and that he either presently occupies the home in which the electrical installation is sought to be made, or will, within a reasonable time, occupy the home then under construction. Further provided that any person who builds a home or remodels a home for the purpose of rental or sale shall not be classed as a homeowner, as provided in subsection E above. It shall be prima facie evidence that the home was built or remodeled for resale if it is occupied by the builder or remodeler for a period less than two (2) years.

G. Any new wiring methods or systems not previously approved by the City Electrical Commission shall not be used until presented and approved by the Electrical Commission. (Ord. 1431 § 3-8, 1996)

(15.32.110 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.120 Inspection fees.

The rates for electrical inspections shall be in an amount to be set by City Ordinance from time to time. (Amended during 1997 codification: Ord. 1431 § 3-9, 1996)

(15.32.120 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.130 Annual inspections.

The wiring of lighting or power installation in all buildings other than residences anywhere in the city may be inspected annually by the Electrical Inspector. The Inspector shall leave a written notice of any changes which may be required with the person in charge of the premises after making any inspection. The changes shall be made within thirty (30) days after receipt of the notice, unless, in the opinion of the Inspector, the changes should be made immediately. The Inspector shall re-inspect the premises after the changes are made. (Ord. 1431 § 3-10, 1996)

(15.32.130 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.140 Right of appeal.

Any person, firm or corporation not in agreement with the decision of the Electrical Inspector shall have the right to appeal to the Electrical Commission of the city, and the decision of the Electrical Commission shall be final in all cases. (Ord. 1431 § 3-11, 1996)

(15.32.140 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.150 Rules governing electrical installations.

All wiring shall be in compliance with the latest publication of the National Electric Code.

A. Aluminum wiring shall not be permitted in any installation within the City of Columbia.

1. Exception No. 1. Shall be permitted for feeders in outbuildings only at the discretion of the Electrical Inspector.

B. Number of Receptacles and Wire Size. Receptacles in kitchen, dining and utility areas shall be wired with at least No. 12 wire and not more than four (4) outlets per circuit. Any one dishwasher, refrigerator, microwave, or central vacuum system shall be on separate circuits. All other wiring shall be at least No. 12 wire and not more than twelve (12) outlets per circuit.

1. Exception No. 1. When it is a part of an approved cable assemblage, the ground conductor may be sized as required by the most current edition of the National Electric Code.

2. Exception No. 2. Where adequate mechanical protection is provided, any adequate ground conductor.

3. Exception No. 3. For installation as low voltage conductor where the voltage does not exceed fifty (50) volts between conductors, or to ground.

4. Exception No. 4. For control wiring only, as permitted by the National Electrical Code, Current Edition, however, this exception is not to be construed to include switch legs or circuits over fifty (50) volts.

C. Dryer, Range, Oven and Countertop. An electric range may be wired with a

minimum conductor #8-3 with ground. Where range and oven are separate, the range top must be wired with #8-3 with ground and the oven shall be wired with #10-3 with ground. Dryers shall be wired with #10-3 with ground.

D. Smoke Detectors. Smoke detectors are to be installed according to the Columbia Building Codes and wired according to the City of Columbia Electric Code. A copy of the section of the Columbia Building Codes entitled "Single and Multiple-Station Smoke Detectors" is included as part of the City of Columbia Electric Code. (Section 920.0 Single and Multiple Station Smoke Detectors of the Columbia Building Codes)

E. Additional Load on Existing Service. It shall be the responsibility of the contractor or other authorized person adding additional circuits and/or equipment to existing services to determine beforehand if said service is of sufficient size and capacity to carry such additional load according to the rules established under other sections of this code, and, if not, it shall be unlawful to make said addition until the service has been increased to required size. (Ord. 1757 § 1, 1999; Ord. 1431 § 4, 1996)

(Ordinance No. 2714, Amended, 04/06/2009, Changed reference of BOCA Code to Columbia Building Codes.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Code to Columbia Building Codes.; 15.32.150, Amended, 12/30/2002; 15.32.150 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.160 Services.

A. Workmanship. Services shall be installed in a neat and workmanlike manner, securely anchored, with the least amount of bends or fitting that the particular installation will permit, and all holes cut for installation of conduits through walls and foundations shall be securely patched with mortar or other suitable material as compatible with the finish of the walls or foundation as possible, so as to prevent the entrance of air current and moisture. Careless and slipshod work will not be permitted under any circumstances.

B. Grounding. Special attention must be paid to Article 250 of the National Electric Code, Current Edition, with regard to grounding of service equipment.

C. Specifications. Service entrances shall be installed as per Illinois Power Company or Monroe County Electric Cooperative and National Electrical Code specifications.

D. Extensions. Services shall be so installed that the maximum extension within a building or structure of the service run shall not exceed twenty-five (25) feet before providing over-current protection, and a means of disconnecting service.

E. Location. Service equipment, panel boards and switchboards shall not be located in bathrooms, restrooms, shower rooms, clothes closets, nor above washers and plumbed-in fixtures. (Ord. 1431 § 5 (part), 1996)

(15.32.160 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.170 Electrical contractors.

A. Defined. The term "Electrical Contractor," as used in this section, means any person, firm or corporation engaged in the business of installing or altering electrical equipment.

B. Registration. Any person desiring to engage in the business of Electrical Contractor in the City of Columbia shall be registered as follows:

First, Contractors are required to fill out a registration form and submit it to the City Clerk. The City shall issue the Certificate of Registration which will authorize the person/entity to engage in such business for the year in which it is issued and shall be renewed on an annual basis. The Electrical Inspector shall keep a record of such registrations.

No person having obtained an Electrical Contractor Registration with the City of Columbia shall allow his name or his business name to be used by another person or company either for the purpose of obtaining permits or for doing electrical business or electrical work under this Code.

BELOW AMENDED BY ORDINANCE NO. 3400 APPROVED 04/16/2018.

NEW SUBSECTION B BELOW PER ORDINANCE NO. 3174 PASSED AND APPROVED 04/06/2015.

B. Registration. Any person desiring to engage in the business of Electrical Contractor in the City of Columbia shall be registered as follows:

Upon filing of such application in proper form, the Electrical Inspector shall submit such application to the Electrical Commission. The Electrical Commission reserves the right to interview the applicant regarding their application. A certificate of satisfactory completion of an applicable International Code Council (ICC) Contractor/Trades Examination Program is required for registration. If passed, the applicant will be registered as an Electrical Contractor upon payment of the fee fixed herein. The City shall issue to the applicant a Certificate of Registration which will authorize the applicant to engage in such business for the year in which it is issued and shall be renewed from year to year at the discretion of the Electrical Commission. The Electrical Inspector shall keep a record of such registrations.

No person having obtained an Electrical Contractor Registration with the City of Columbia shall allow his name or his business name to be used by another person or company either for the purpose of obtaining permits or for doing electrical business or electrical work under this code.

BELOW SUBSECTION B AMENDED BY ORD. NO. 3174 PASSED AND APPROVED 04/06/2015 - BELOW IS OLD SUBSECTION B

B. Registration. Any person desiring to engage in the business of Electrical Contractor in the City of Columbia shall be registered as follows:

Upon filing of such application in proper form and the payment of the fee fixed herein, the Electrical Inspector shall submit such application to the Electrical Commission, who after examining said application, reserves the right to verify applicant's work experience by examination, written or oral. If passed, he shall be registered as an Electrical Contractor. The Electrical Inspector shall issue to the applicant a Certificate of Registration which will authorize the applicant to engage in such business for the year in which it is issued and shall be renewed from year to year at the discretion of the Electrical Commission. The Electrical Inspector shall keep a suitable record of such registrations.

No person having obtained an Electrical Contractor Registration with the City of Columbia shall allow his name or his business name to be used by another person or company either for the purpose of obtaining permits or for doing electrical business or electrical work under this code.

C. Fee. The fee for registration as an Electrical Contractor shall be in an amount to be set by City Ordinance from time to time, and which sum shall be paid by the applicant to the City Clerk in advance upon filing the application. All fees paid by the Electrical Contractor shall be paid to the City Clerk.

D. Bonding. The City of Columbia will no longer require a performance bond from Registered Electrical Contractors. (Ord. 1431 § 5 (part), 1996)
(Ordinance No. 3400, Amended, 04/16/2018, Section 15.32.170 Electrical Contractors - B. Registration.; Ordinance No. 3174, Amended, 04/06/2015, Amended Subsection B of Section 15.32.170 Electrical Contractors.; 15.32.170 (Ord. 2043), Amended, 04/15/2002)

Section 15.32.180 Violation--Penalty.

Any person violating any provision of this section thereof, shall be fined in the amount not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars, (\$750.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

(Ord. 1431 § 6, 1996)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; 15.32.180 (Ord. 2043), Amended, 04/15/2002)

Chapter 15.36 (RESERVED)

Previous Chapter 15.36 was repealed by Ordinance No. 2641 on April 7, 2008.

Chapter 15.40

PLUMBING CODE

Sections:

- 15.40.010 Permit required.**
- 15.40.020 Fees.**
- 15.40.030 New plumbing--Exposure for inspection.**
- 15.40.040 Specifications--Adoption of State Plumbing Code.**
- 15.40.050 Enforcing officer.**
- 15.40.060 Copy of plumbing code.**
- 15.40.070 Separate drainage for buildings.**
- 15.40.080 Standards.**
- 15.40.090 Violation--Penalty.**

Section 15.40.010 Permit required.

No plumbing shall be installed in any place in the city unless a permit therefor is first obtained. Applications for such permits shall be made to the city clerk and shall state thereon the name of the person or contractor intended to have charge of the installation, and the nature and extent of the proposed installation. (Prior code § 29-1-1)

Section 15.40.020 Fees.

The fees for such permit shall be such as may be prescribed by city ordinance or resolution from time to time. (Prior code § 29-1-2)

Section 15.40.030 New plumbing--Exposure for inspection.

In both new and existing buildings, in all new plumbing installations and major repairs or replacement of existing sewer or connection pipes, the drain, soil, rainwater and other pipes connected directly or indirectly to any drain, soil or waste pipe, and all traps, shall be exposed for view, inspection and test by the plumbing inspector, and shall not be covered until such test is made. (Amended during 1997 codification: prior code § 29-1-3)

Section 15.40.040 Specifications--Adoption of State Plumbing Code.

The plumbing and fixtures installed in any building in the city must be installed to comply with the State Plumbing Code, promulgated by the State Department of Health which is adopted as the standard of specification for plumbing. It is unlawful to install any plumbing or fixtures which do not comply with the above regulations. (Prior code § 29-1-4)

Section 15.40.050 Enforcing officer.

The plumbing inspector shall enforce the provisions of the State Plumbing Code in the city. (Prior code § 29-1-5)

Section 15.40.060 Copy of plumbing code.

The plumbing inspector shall keep on file in his office, three copies of the State Plumbing Code, which shall be available for inspection. (Prior code § 29-1-6)

Section 15.40.070 Separate drainage for buildings.

Every building shall be separately and independently connected with a public or private sewer when there is such in the street abutting on the lot occupied by such building.

The entire plumbing and drainage system of every building shall be entirely separate and independent from that of any other building, except where there are two buildings on one lot, one in the rear of the other; then if there is no sewer in the alley to which the rear building can be connected, the sewer in front of the building may be extended to serve the rear building. (Prior code § 29-1-7)

Section 15.40.080 Standards.

All work done on any plumbing system shall be performed in an efficient and workmanlike manner. (Prior code § 29-1-8)

Section 15.40.090 Violation--Penalty.

Any person, firm or corporation violating any of the provisions of this chapter, or continuing to work in violation of a stop order issued by the building inspector shall be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior code § 29-1-9)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.44

SIGN CODE

Sections:

15.44.009A	Article 1. General Provisions
15.44.010	Purpose.
15.44.020	Jurisdiction.
15.44.030	Interpretation.
15.44.040	Disclaimer of liability.
15.44.059A	Article 2. Definitions
15.44.060	Construction of terms.
15.44.070	Selected definitions.
15.44.079A	Article 3. General Street Graphics Regulations
15.44.080	General prohibition.
15.44.090	Calculation of sign area.
15.44.100	Sign area allowance.
15.44.110	Sign area allowance--Special situations.
15.44.120	Movement prohibited.
15.44.130	Illumination.
15.44.140	Street graphics not to be hazardous.
15.44.150	Structural and maintenance requirements.
15.44.159A	Article 4. Regulations Based on Type or Location of Street Graphics
15.44.160	Strictly prohibited street graphics.
15.44.165	Special displays and other temporary signs.
15.44.170	Permitted street graphics.
15.44.180	Agricultural and residential districts.
15.44.190	Commercial and industrial districts.
15.44.200	Commercial park CP-1--Low intensity, high quality retail business park districts.
15.44.210	Commercial park CP-2--Medium intensity and medium quality retail and wholesale business district.
15.44.220	Business park districts--BP-1 through BP-5.
15.44.225	Office Park 1 (OP-1) Districts.
15.44.230	Off-premises church directional signage.
15.44.240	Signs on historic landmarks and/or in historic districts.
15.44.249A	Article 5. Administration and Enforcement
15.44.250	Enforcement officer--Duties.
15.44.260	Registration of existing street graphics.
15.44.270	Street graphic permits.
15.44.280	Nonconforming street graphics.
15.44.290	Corrective action orders.
15.44.291	Removal of illegal street graphics.
15.44.300	Complaints.
15.44.310	Violations--Penalties.
15.44.320	Schedule of fees.
15.44.329A	Article 6. Special Permits and Procedures
15.44.330	Street graphics advisory committee--Established.
15.44.340	Street graphics advisory committee--Membership qualifications,

- recognition.
- 15.44.350 Street graphics advisory committee--Appointment, term, vacancies.
- 15.44.360 Street graphics advisory committee--Meetings, quorum, records.
- 15.44.370 Appeals.
- 15.44.380 Variances.
- 15.44.390 Amendments.

Section 15.44.009A Article 1. General Provisions

Section 15.44.010 Purpose.

In accordance with the enabling provisions of the Illinois Municipal Code (Ill. Rev. Stat., Ch. 24, Secs. 11-80-14 through 11-80-17 and Ch. 121, Secs. 501, et. seq.), this chapter establishes comprehensive regulations for the control of signs and other street graphics in order to preserve, protect and promote the public health, safety and general welfare of the citizens of the city. More specifically this chapter is intended to assist in achieving the following objectives:

- A. To authorize the use of street graphics which are:
 - 1. Compatible with their surroundings and the zoning district in which they are located,
 - 2. Expressive of the image the city desires to project,
 - 3. Appropriate to the type of establishment or activity to which they pertain, and
 - 4. Legible in the circumstances in which they are seen;
- B. To foster high quality commercial and industrial development, and to enhance the economic vitality of existing business and industry by promoting the reasonable, orderly and effective display of street graphics;
- C. To encourage street graphics display practices and to militate against the objectionable effects of competitive practices respecting the size and placement of street graphics;
- D. To enhance the physical appearance of this city by protecting the human-made and natural beauty of the area;
- E. To protect pedestrians and motorists from any damage or injury that might result from the improper construction, placement or use of street graphics;
- F. To protect the public investment in streets and highways by reducing the obstructions and distractions which might cause traffic accidents;
- G. To preserve the value of private property by assuring the compatibility of street graphics with nearby land uses; and
- H. To protect the visual beauty of the community by recognizing and encouraging aesthetically pleasing street graphics. (Ord. 892 § 1-1, 1991)

Section 15.44.020 Jurisdiction.

This chapter shall be applicable within the corporate limits of the city, as they currently exist or may be hereafter extended. (Ord. 892 § 2, 1991)

Section 15.44.030 Interpretation.

Every provision of this chapter shall be construed liberally by the city in favor of the city for the purpose of accomplishing the purposes of this chapter, and every requirement imposed herein shall be deemed minimal. Wherever the requirements of this chapter differ from the

requirements of any other lawfully adopted ordinance or regulation, the more restrictive requirement shall prevail. (Ord. 892 § 1-3, 1991)

Section 15.44.040 Disclaimer of liability.

A. Except as may be provided otherwise by statute or ordinance, no officer, board member, committee member, agent or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

B. A defense to any suit brought against any officer, board member, committee member, agent or employee of the city, as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be provided by the city. (Ord. 892 § 1-4, 1991)

Section 15.44.059A Article 2. Definitions

Section 15.44.060 Construction of terms.

In construing the intended meaning of the terminology used in this chapter, the following rules shall be observed:

A. Unless the context clearly indicates otherwise, words and phrases shall have the meaning respectively ascribed to them in Section 15.44.070; terms not defined in Section 15.44.070 shall have the

meanings respectively ascribed to them in the zoning ordinance of the city; if any term is not defined either in Section 15.44.070 or in the zoning ordinance of the city, the term shall have the meaning ascribed to it by Webster's New Collegiate Dictionary.

B. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

C. Words used in the present tense shall include the future tense.

D. Words used in the singular number shall include the plural number, and the plural the singular.

E. The word "shall" is mandatory; the word "may" is discretionary.

F. The term "the city" means the city of Columbia, Illinois.

G. The word "person" means any individual, firm, partnership, unincorporated association or private or public corporation.

H. All distances shall be measured to the nearest integral foot; six inches or more shall be deemed to be one foot.

I. References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

J. A general term that follows or is followed by enumeration or specific terms shall not be limited to the enumerated class unless expressly limited. (Ord. 892 § 2-1, 1991)

Section 15.44.070 Selected definitions.

As used in this chapter:

"Administrator" means the building inspector of the city or his or her duly authorized representative.

"Alter" means to change the size, shape, height or other physical characteristics of a street graphic.

"Amendment" means a change in the provisions of this chapter, properly affected in accordance with the procedures set forth herein.

"Amortization" means the elimination of non-conforming street graphics over time in accordance with the schedule set forth in this chapter.

"Appeal" means a procedure whereby any person aggrieved by any decision or order of the administrator in any matter related to the interpretation or enforcement of this chapter may seek relief from the city council.

"Awning" means any rooflike structure made of cloth, metal or other material attached to a building and erected over window, doorway or other openings in a building in such manner as to permit its being raised or retracted to a position against the building when not in use.

"Billboard" means any single- or double-faced street graphic that is permanently fixed or placed on real estate premises or improvements and that is used for the display of message or advertising not associated with the establishment located on the premises. A billboard typically has provisions for changing the message or advertisement thereon.

"Building Frontage" means the lineal extent of the building facing a street or public way, or the lineal extent of a building facing a public parking area if the building does not abut a street; except that:

(i) if a building has lot frontage on two intersecting streets, the total building frontage shall be the lineal distance measured along the building line of the lot on each of the two intersecting streets;

(ii) if a building has lot frontage on two streets which do not intersect, the total building frontage of the building shall be the lineal distance measured along the building line of the lot on the street on which the building on the lot faces (or if there is no building on the lot, then on the street containing the shorter lineal distance); and,

(iii) if a building is visible from the right-of-way of an interstate highway, the extent or boundary of the building line on the lot that is parallel to the highway shall not be considered building frontage unless the building does not have access to any other street, public way or parking lot.

"Canopy" means a rooflike structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

"Changeable Copy Sign" means a sign or portion of a larger sign whereon different messages are displayed, including but not necessarily limited to public service messages, advertising for the business or businesses on-site, etc., and which has provision for changing the individual numbers, letters, or symbols in the message manually only with no electronic components.

"Complex Identification Sign" is a monument sign used to identify a commercial zoned building complex/development. The sign is located on the common ground of the

building development complex.

"Corrective Order" means a legally binding order to effect compliance with this chapter, issued by the administrator in accordance with the procedures set forth herein.

"Electronic Message Board" or "Electronic Message Center" means a sign or portion of a larger sign whereon different messages are displayed, including but not necessarily limited to public service messages, advertising for the business or businesses on-site, projection of on-site activities in real-time, time, and temperature, etc., and which has provision for changing the message thereon electronically. Such signs shall include those devices that display information using panels of individual lamps, rotating panels, liquid crystal displays (or similar technology) or rear projection screens."

"Establishment" means either of the following:

1. An institutional, business, commercial or industrial activity that is carried on or performed in one or more buildings; or
2. An institutional, business, commercial or industrial activity that occupies a portion of a building such that:
 - a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole, and
 - b. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

"Flush-Mounted Sign" means any sign attached to or erected against any wall, with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projected more than six inches out or away from the wall. Such signs shall not be painted directly on any exterior wall.

"Freestanding Sign" means any sign supported by one or more uprights, poles or braces placed in or upon the ground in a permanent manner.

"Frontage" means the lineal extent of the lot abutting a street or public way, or the lineal extent of a lot abutting a public parking area if the lot does not have street frontage; except that: (i) if a lot has frontage on two intersecting streets, the total frontage shall be the lineal distance measured along the right-of-way line of the two intersecting streets; (ii) if a lot has frontage on two streets which do not intersect, the total frontage of the lot shall be the lineal distance measured along the right-of-way of the street on which the building on the lot faces (or if there is no building on the lot, then on the street containing the shorter lineal distance); and (iii) if a lot adjoins the right-of-way of an interstate highway, the extent or boundary of the lot abutting the highway shall not be considered frontage unless the lot does not have access to any other street, public way or parking lot.

"Fuel Price Sign" means a sign as a numerical component of a permitted freestanding, flush-mounted, or monument sign that depicts the current price only of automotive fuel sold by the establishment. In such cases where digital price signs are utilized, such signs shall be constant in nature, and shall not travel, flush, inverse, write-on, up or down scroll, roll, grow, melt, x-ray, twinkle, snow, or otherwise change its nature."

"Lot" means any tract or parcel of land which is a single unit for the purpose (whether present or future) of development and which is under one ownership. The term "lot" may or

may not be synonymous with "lot of record."

"Lot Frontage" means the lineal extent of the lot abutting a street or public way, or the lineal extent of a lot abutting a public parking area if the lot does not have street frontage; except that:

(i) if a lot has frontage on two intersecting streets, the total frontage shall be the lineal distance measured along the right-of-way line of the two intersecting streets that is adjacent to the lot frontage;

(ii) if a lot has frontage on two streets which do not intersect, the total frontage of the lot shall be the lineal distance measured along the right-of-way of the street on which the building on the lot faces (or if there is no building on the lot, then on the street containing the shorter lineal distance); and

(iii) if a lot adjoins the right-of-way of an interstate highway, the extent or boundary of the lot abutting the highway shall not be considered frontage unless the lot does not have access to any other street, public way or parking lot.

"Marquee" means any canopy made of durable materials that is a permanent fixture of the building to which it is attached.

"Message" means a communication of identification or advertising information visually perceived. Communications may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

"Mobile" or "Portable Marquee" means any street graphic not designed to be presently attached to a building or part thereof or to be permanently anchored to the ground. Such street graphic primarily includes, but is not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles, etc.

"Monument Sign" is a free standing type of sign in which the entire bottom of the sign is generally in contact with or in close proximity to the ground. It is not attached to a building but is erected upon or supported by the ground, a ground planter box, or similar low support structure. The total height of a monument sign measured from the surface of the ground at the highest elevation closest to the base of the sign to the top of the sign shall not exceed six (6) lineal feet.

"Nonconforming Sign" means any sign, street graphic, or other informational display controlled by this ordinance and which existed on the effective date of the ordinance codified in this chapter which does not comply with the regulations set forth in this chapter.

"Nonconforming Street Graphics" means any street graphic which existed on the effective date of the ordinance codified in this chapter which does not comply with the regulations set forth herein.

"Off-Premises Signs" are signs identifying or advertising goods, products, services, a business, or a person not located on the premise where the sign is installed and maintained.

"Premises" means any lot and all of the structures, improvements and uses located thereon or thereat.

"Projecting Sign" means any sign which is supported by an exterior wall of a building or suspended beneath any awning, canopy or marquee with the exposed face of the sign in a plane approximately parallel or perpendicular to the plane of the wall, awning, canopy or marquee and projecting more than six inches out or away from the wall, awning, canopy or marquee, including any awning, canopy or marquee where graphics are displayed thereon or therefrom.

"Reconstruct" means to re-erect a street graphic after it has been damaged or destroyed.

"Relocate" means to move a street graphic to another portion of the premises or to different premises.

"Replace" means to substitute a street graphic for an existing street graphic.

Right-of-Way, Public. "Public Right-of-Way" means real estate owned by the city or any other unit of government which is dedicated for street, alley or other public travel uses and purposes.

"Roof Line" means the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of the building where the street graphic is located.

"Roof-Mounted Sign" means any sign erected or maintained on the roof of any building.

"Shopping Center Identification Sign" means any sign identifying a building or a group of buildings that provides common off-street parking facilities and that is occupied by three or more retail establishments. The identification sign shall identify the name of the complex as the most prominent and topmost message.

"Sign" means any object, devise, display or structure or part thereof that is used to advertise, identify, display or attract attention to any object, person, institution, organization, business, product, service or event whether or not related to the premises on which the sign is situated, by any means including words, letters, figures, designs, symbols, fixtures, colors or illumination.

"Sign Area" means the area of the one imaginary square or rectangle that would completely enclose all parts of a sign including the background.

"Sign Area Allowance" means the total of the areas of all signs which a particular establishment is permitted to display under the terms of this chapter.

"Street Graphic" means any on-premises identification or advertising sign, or any billboard or off-premises advertising sign, visible from the public right-of-way or from any parking area used by the general public.

"Street Graphic Permit" means a permit issued by the administrator to regulate the erection, expansion, alteration, relocation or reconstruction of street graphics in all parts of the city.

Street Frontage. See "Frontage."

"Variance" means a relaxation of the requirements of this chapter that are applicable to a particular street graphic.

"Window Sign" means any sign visible from the exterior of a building which is painted on, affixed to, or suspended immediately in front of or behind a window. A permanent window sign is one that is displayed for thirty (30) days or more.

A temporary window sign is one that is displayed for thirty (30) days or less. (Ord. 1705 § 2, 1998; Ord. 892 § 2-2, 1991)

(Ordinance No. 2513, Added, 11/20/2006, Added "Fuel Price Sign" definition.; Ordinance NO. 2513, Amended, 11/20/2006, Changed "Shopping Center Identification Sign" definition.; Ordinance No. 2513, Added, 11/20/2006, Added "Electronic Message Board" or "Electronic Message Center" to definitions.; Ordinance No. 2513, Amended, 11/02/2006, Changed "Changeable Copy Sign" definition.; Ordinance No. 2458, Added, 05/01/2006, Added definitions.; 15.44.070 (Ord. 2144), Amended, 02/17/2003, Changed Off-Premise Advertising Sign to Off-Premise Signs and added definition.; 15.44.070 (Ord. 2055), Amended, 05/20/2002)

Section 15.44.079A Article 3. General Street Graphics Regulations

Section 15.44.080 General prohibition.

Any sign or other street graphic not expressly permitted by this chapter shall be deemed prohibited in the city. (Ord. 892 § 3-1, 1991)

Section 15.44.090 Calculation of sign area.

The area of every sign shall be calculated as follows:

A. If a two-dimensional sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.

B. If a two-dimensional sign consists of individual letters, parts or symbols, the area of the one imaginary square or rectangle which would completely enclose all the letters, parts or symbols shall be deemed the sign area.

C. In calculating two-dimensional sign area, only one side of any double-faced sign shall be counted.

D. The area of signs of unusual three-dimensional shapes, such as globes, cylinders or pyramids, shall be computed on the basis of the total allowable area of exposed surfaces. (Ord. 892 § 3-2, 1991)

Section 15.44.100 Sign area allowance.

Within the limitations and restrictions provided in this chapter, the total of the area of all signs which a particular establishment is permitted to display shall be one (1) square foot of sign area per one (1) lineal foot of building frontage, not to exceed one hundred (100) lineal feet of such building frontage; and, no establishment in any zoned district shall be permitted to display more than one hundred (100) square feet of signage.

(Ord. 892 § 3-3, 1991)

(Ordinance No. 2458, Amended, 05/01/2006, Amended 15.44.100 Sign area allowance.)

Section 15.44.110 Sign area allowance--Special situations.

A. If any establishment has frontage on two or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this chapter. However, the sign area allowances shall not be aggregated so as to allow any such establishment to display on any one street frontage a greater area of signs than Section 15.44.100 would permit.

B. The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage. (Ord. 892 § 3-3.1, 1991)

Section 15.44.120 Movement prohibited.

No sign or other street graphic shall revolve, rotate or mechanically move in any manner with the exception of barber poles. (Ord. 892 § 3-4, 1991)

Section 15.44.130 Illumination.

Illumination of signs and other street graphics is permitted, subject to the following requirements:

A. Except as otherwise authorized in this code or the city of Columbia, Illinois Municipal Code, no illuminated street graphics shall be allowed in a residential zoning district in the city.

B. No red, yellow, green or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.

C. No sign shall have blinking, flashing or fluttering lights or other illumination devices which have a changing light intensity, brightness or color.

D. The light from any illuminated sign or other street graphic shall be shaded, shielded or directed so as to avoid the creation or continuation of any public or private nuisance or traffic hazard.

E. No exposed reflective type bulb, and no strobe light or incandescent lamp which exceeds fifteen (15) watts, shall be used on the exterior surface of any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property. (Ord. 1705 § 1, 1998; Ord. 892 § 3-5, 1991)

Section 15.44.140 Street graphics not to be hazardous.

A. No sign or other street graphic shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or driveway.

B. No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control sign, signal or device. Accordingly, no street graphic shall contain the words, "stop," "go," "caution," "danger," "warning" or similar words. (See also Section 15.44.130(B).) (Ord. 892 § 3-6, 1991)

Section 15.44.150 Structural and maintenance requirements.

A. Every sign or other street graphic shall be designed and constructed in conformity with the applicable provisions of the building code of the city.

B. The electrical component of any illuminated sign or other street graphic shall conform to the applicable requirements of the electric code of the city.

C. Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner. The street graphic support shall be kept painted or treated and maintained to prevent rust or deterioration.

D. The street graphic sign and support must be removed by the sign owner within ten days after the termination of the site owner's business. After ten days following the termination of the sign owner's business, the removal of the sign and support shall become the responsibility of the owner of the real estate where the sign is located, who shall have ten additional days to remove said sign and support. If the sign and support is not removed in accordance with the provisions of this subsection of the ordinance within the time herein provided, the responsible party or parties shall be subject to such penalties as are hereinafter provided in this ordinance provided, including payment of the fines prescribed by the ordinance and being subject to removal of the sign and support pursuant to injunctive relief to be awarded to the city by court of competent jurisdiction on petition of the city. (Ord. 892 § 3-7, 1991)

Section 15.44.159A Article 4. Regulations Based on Type or Location of Street Graphics

Section 15.44.160 Strictly prohibited street graphics.

The following street graphics are strictly prohibited in the city:

A. Pennants, streamers, ribbons, strings of light bulbs, spinners, tethered balloons and similar street graphics, except street banners and pennants as provided in Section 15.44.165 Special displays and other temporary signs;

B. Signs attached to trees, fences or public utility poles (excluding Governmental Public Information Signs and warning signs issued by public utilities);

C. Defunct signs, including the sign posts or other supporting structures, that advertise or identify an activity, business, product or service no longer conducted on the premises where such sign is located.

D. Off-premise signs as defined in Section 15.44.070 of this sign code, to include signs identifying or advertising goods, products, services, a business, or a person not located on the premise where the sign is installed and maintained.

E. Electronic message boards as defined in Section 15.44.070 of this sign code.

(Ordinance No. 2513, Added, 11/20/2006, Added Electronic Message Boards to Strictly Prohibited Street Graphics.; Ordinance No. 2458, Amended, 05/01/2006, Amended 15.44.160 Strictly prohibited street graphics.; 15.44.160 (Ord. 2144), Added, 02/17/2003, Add Off-premise signs.)

Section 15.44.165 Special displays and other temporary signs.

The following special displays and other temporary signs are hereby allowed in the city:

A. Temporary public interest event signs and banners publicizing a charitable, civic, or other nonprofit organization's event of general public interest. All such signs will require approval by the sign administrator or his or her duly authorized representative and shall:

- (1) Not exceed sixteen (16) square feet in area.
- (2) Not exceed more than two (2) signs per event at all locations within the City.
- (3) Not be located as to obstruct or impede vehicular vision.
- (4) Not exceed more than two (2) different temporary public interest signs and/or banners installed within twenty-five (25) feet of each other.
- (5) Be installed no more than fourteen (14) days before the event.
- (6) Be removed no later than three (3) days after the event.
- (7) The location of said banners shall be subject to the review and discretion of the sign administrator or his or her duly authorized representative (site plan including dimensions and copy must be included).
- (8) Contain the advertising of the publicized event only; additional non-charitable advertising is specifically prohibited.

(9) All applications shall be accompanied by a nonrefundable fee in the amount stated in the City's annual fee ordinance.

Application for temporary banners hanging over a street publicizing a charitable, civic, or other nonprofit event of general public interest must be made to the city council prior to the event. The city may require a fee for the display of such signs in the amount stated in the annual fee ordinance.

B. Temporary private interest event wall mounted banners for private interest businesses, groups, or organizations publicizing entertainment or an event will require approval by the Sign Administrator or his or her duly authorized representative and shall:

(1) Not exceed sixteen (16) square feet in area.

(2) Not exceed more than one (1) wall mounted banner located on the premises of the private interest.

(3) Not be located so as to obstruct or impede vehicular vision.

(4) Be installed no more than fourteen (14) days before the event.

(5) Be removed no later than the next business day after the event.

(6) Not number more than three (3) such events or signs displayed per calendar year.

(7) The location of said wall mounted banners shall be subject to the review and discretion of the sign administrator or his or her duly authorized representative (site plan including dimensions and copy must be included).

(8) Contain the advertising of the publicized event only; additional non-charitable advertising is specifically prohibited.

(9) All applications shall be accompanied by a nonrefundable fee in the amount stated in the City's annual fee ordinance.

C. Pole banners may be permitted provided that the city council grants approval of design and installation.

D. Advertising by balloon signs of a temporary nature shall be permitted on the property of an existing and ongoing business in accordance with the following restrictions:

(1) Permits shall be issued to qualified applicants upon properly completed written application to be approved by the sign administrator or his or her duly authorized representative.

(2) All applications for permits shall be accompanied by a nonrefundable fee in the amount stated in the City's annual fee ordinance.

(3) There shall be a maximum of ten (10) consecutive days of advertising allowed for each permitted individual advertising period.

(4) Permits for advertising shall not be issued for any premises or to any ongoing business more than three (3) times per calendar year and not within ninety (90) days after the conclusion of the previous advertising period for which a permit was issued to the applicant by the city.

(5) A given individual advertising period for purposes of this chapter includes advertising pursuant to a permit issued under this chapter for one or more consecutive days, not to exceed a maximum of ten (10) consecutive days.

(6) An additional per square foot of surface area application fee shall be charged, in the amount stated in the City's annual fee ordinance, for balloon signs that are larger than two hundred (200) square feet in surface area as determined by the total area of a rectangle superimposed upon the proposed balloon sign so that the sides of the rectangle intersect the sides of the balloon most distant from the center of the balloon and the top and bottom of the rectangle intersect the top and bottom of the balloon that are most distant from the center of the balloon and the surface area is determined by the square footage of the rectangle by multiplying the width of the rectangle by the height of the rectangle.

(7) No balloon advertising shall be permitted within five thousand (5,000) feet of any other form of balloon sign advertising occurring at the same time.

(8) All advertising shall be ground mounted only, not a tethered balloon on a line and the entire display shall be constructed of nonflammable materials.

(9) Balloon signs shall not be located closer to the front, side and rear lot lines of the real estate premises on which the balloon sign is located, than buildings are permitted to be located under the city's zoning code in the zoned district in which the balloon sign is located.

(10) All advertising must pertain solely to on-site businesses.

(11) Applications for balloon signage permits must be accompanied by proof of premises and off-premises liability insurance for installation, operation and maintenance of the proposed balloon sign providing insurance coverage for property damage of a minimum of fifty thousand dollars (\$50,000.00) per person and one hundred thousand dollars (\$100,000.00) per occurrence and for personal injury of a minimum of one hundred

thousand dollars (\$100,000.00) per person and five hundred
thousand dollars (\$500,000.00) per
occurrence, with one or more qualified and rated insurance
companies of the applicant's selection and acceptable
to the city, which policy of insurance shall name the city as
an additional insured.

E. Electronic message board shall be permitted by
special event (as defined and regulated by Chapter 12.33 Special
Events) in accordance to the following conditions:

(1) Electronic message board shall be included on
the application for the Special Event with its content completely
described.

(2) No more than one such sign per event.

(3) Such sign shall display only during special
event hours of operation.

(4) Such sign's display of text/picture shall be the
only portion of signage lit. The background shall remain unlit.

(5) No movement of any content is permitted.

(6) Such sign's message displayed thereon must
remain visible in at least thirty-second intervals before being reset
or replaced with another message.

(7) Message display area shall not exceed
eighteen (18) square feet.

(8) Message Display height shall not exceed ten
(10) feet.

(9) The use of profane language/images or
content that is abusive towards another person/public or use any
violent/abusive language/content
under circumstances reasonably calculated to provoke a breach of
the peace is strictly prohibited.

(10) Location shall be as follows:

a. Such sign shall be displayed at the Special Event site only.

b. Such sign shall not be located within ten (10) feet from any Public right-of-way.

c. If special event abuts a residential district, the display shall be no less than fifty (50) feet from the property lines and installed in such a manner that the beams of light from each light source shall be directed away from neighboring properties and confined to the area of the subject property on which exterior light source is located.

(11) The electrical component of any illuminated sign shall conform to the applicable requirements of the current N.E.C. Electrical Code of the City.

(Ordinance No. 3201, Amended, 09/08/2015, Amended Section 15.44.165 of the Municipal Code regarding Special Displays and other Temporary Signs for Special Events. Added Item E.; Ordinance No. 2458, Added, 05/01/2006, Added new section, 15.44.165 Special displays and other temporary signs.)

Section 15.44.170 Permitted street graphics.

Every sign or other street graphic enumerated below that complies with the indicated requirements may be erected in any zoned district in the city without a permit. The area of the sign or street graphic shall not be counted against the displaying establishment's sign area allowance.

A. Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product or service. Such signs shall not exceed thirty-two (32) square feet in area, shall be confined to the site of the construction, and shall be removed after construction has been completed.

B. Directional and informational signs erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways, and similar features or facilities. Such signs shall not exceed three (3) square feet in area.

C. Flags of any country, state or unit of local government.

D. Garage or yard sale signs advertising a garage or yard sale on private residential property.

Such signs shall not exceed four (4) square feet in area, shall be confined to the premises on which the sale is conducted, and shall not be posted for longer than five (5) days.

E. Governmental or public signs, such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, etc.

F. Holiday decorations such as Christmas lights and ornaments, provided that such decorations must be removed within sixty (60) days after the Christmas holiday (i.e., February 26 of each year).

G. Home occupation signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated and shall be flush-mounted, and shall not exceed one (1) square foot in area.

H. House numbers and/or name of occupant signs located on the lot to which the sign pertains. Such signs shall not exceed three (3) square feet in area for single-family dwellings nor six (6) square feet in area for multi-family dwellings.

I. Institutional signs for a public, charitable or religious institution. Such signs shall be located on the premises of the institution, shall not obstruct the vision of motorists, and shall not exceed twenty-four (24) square feet in area.

J. Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

K. Interior signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are not visible from the exterior of the building.

L. Political campaign signs, announcing candidates seeking public office and/or political issues and other pertinent information shall be confined to private property. In a residential district, political campaign signs shall not exceed four (4) square feet in area. In an agricultural district, political campaign signs shall not exceed sixteen (16) square feet in area. In other zoned districts in the city, such signs shall not exceed sixteen (16) square feet in area. Political campaign signs shall be posted no sooner than thirty (30) days prior to the election to which they pertain and shall be removed within seven (7) days after the election to which they pertain.

M. Property regulation signs such as no trespassing, no fishing, etc. Such signs shall not exceed three (3) square feet in area.

N. Real estate signs advertising the sale or lease of the premises on which they are located. Such signs on residential property shall not exceed four (4) square feet in area. On other zoned property, such signs shall not exceed

sixteen (16) square feet in area. Not more than one (1) real estate sign per lot frontage shall be erected on any lot. Such signs shall be removed within seven (7) days after the sale or lease of the property on which they are located.

O. Residential development identification signs on a real estate development site at major entrances to the site designed to identify a residential subdivision, apartment complex, or planned unit development, which contains no commercial advertising and do not exceed forty (40) square feet in surface area.

P. Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.

Q. Zoned area directional signs which indicate the direction or location of governmental buildings and facilities, organizational and industrial buildings and facilities, religious buildings and facilities, recreational buildings and facilities and historic buildings and facilities shall have a brown background and white lettering; shall be mounted on street sign posts beneath the street sign; and shall be limited as follows:

- (1) Governmental buildings and facilities - unlimited;
- (2) Organizational and industrial buildings and facilities - not to exceed one (1) sign per thoroughfare and individual business names shall not be depicted on the sign;
- (3) Religious buildings and facilities - not to exceed one (1) sign per thoroughfare;
- (4) Recreational buildings and facilities – not to exceed one (1) sign per building or facility the size of which shall not exceed twelve (12) inches by twenty (20) inches; and,
- (5) Historic buildings and facilities - not to exceed one (1) sign per historic building and/or facility site.

Zoned area directional signs shall be installed by the city and in addition to obtaining and paying for the sign permit as required by Section 15.44.270 of the city's sign code, the applicant shall be required to pay the city a fee for the sign installation and an annual maintenance fee in an amount as determined by and published in the city's annual fee ordinance.

R. Fuel Price Signs as defined in Section 15.44.070 of this sign code no more than six (6) square feet in area.

(Ord. 1210 § 1, 1993; Ord. 892 § 4-2, 1991)

(Ordinance No. 2513, Added, 11/20/2006, Added "Fuel Price Signs"; Ordinance No. 2458, Amended, 05/01/2006, Amended 15.44.170 - Permitted street graphics.; 15.44.170 (Ord. 2282), Amended, 08/02/2004, Amended Paragraph "S"; 15.44.170 (Ord. 2282), Amended, 08/02/2004, Amended paragraph "N")

Section 15.44.180 Agricultural and residential districts.

No sign or other street graphics except those listed in Section 15.44.170 shall be erected or maintained in any agricultural district or in any residential district in the city except as otherwise provided in Section 15.44.280(A). (Ord. 892 § 4-3, 1991)

Section 15.44.190 Commercial and industrial districts.

Unless otherwise provided for herein, no establishment located in any commercial district or industrial district in the city shall display a total area of signs in excess of its sign area allowance as provided in Section 15.44.100 and only one exterior sign regardless of type shall be permitted on each street frontage. Additionally, unless otherwise provided for herein, signs in any commercial district or industrial district shall conform to the requirements indicated in the subsections below.

A. Flush-Mounted Signs. For aesthetic and safety reasons, flush-mounted signs are the preferred type of sign in the city. No flush-mounted sign shall:

1. Project more than six inches from the wall or surface to which it is attached (if such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the sign); or
2. Extend more than three feet above the roof eave line of the building to which it is attached.

B. Projecting Signs. No establishment in any zoning district shall display more than one projecting sign on any street frontage. No projecting sign shall:

1. Project more than three feet from the building to which it is attached; or
2. Extend more than three feet above the roof eave line of the building to which it is attached; or
3. Project over a street, alley or driveway, or closer than two feet from the curb or edge of such public right-of-way; or
4. Extend below a point eight feet above the ground or pavement; or

5. Extend above a point twelve (12) feet above the ground or pavement; or

6. Exceed nine square feet in area.

C. Signs on Awnings, Canopies or Marquees. Signs mounted flush against any awning, canopy or marquee shall be considered flush-mounted signs, and shall comply with the regulations of subsection A of this section. Signs suspended beneath any awning, canopy or marquee shall be considered projecting signs, and shall comply with the regulations of subsection B of this section.

D. Window Signs. Any establishment may display window signs. Permanent window signs shall cover no more than twenty (20) percent of the area of any window. Permanent window signs shall be counted against the displaying establishment's sign area allowance, but temporary window signs shall not.

E. Shopping Center Identification Signs. A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this chapter if the total gross floor area of all the establishments located in the shopping center exceeds fifty thousand (50,000) square feet. A shopping center identification sign shall not exceed one hundred (100) square feet in area.

F. Freestanding Signs. Not more than one freestanding sign shall be displayed on any street frontage of any lot. All freestanding signs shall comply with the following regulations (except as provided in subdivisions (1) and (2) of this subsection):

1. Not extend higher than twenty (20) feet above the ground or pavement where it is located;

2. Not exceed one hundred (100) square feet in area or twelve (12) lineal feet in any direction;

3. Not be closer than twenty (20) feet from any public right-of-way or side or rear lot line;

4. Not be closer than one hundred (100) feet to another sign.

Notwithstanding anything in this subsection to the contrary, the following regulations pertaining to freestanding signs located in a C-2 central business district and in areas located within one hundred (100) lineal feet of a Federal Interstate Highway right-of-way shall apply:

1. In a C-2 central business zoning district in the city:

a. Freestanding signs up to ten square feet in sign area shall not be closer than one foot from the right-of-way or side lot line and shall not exceed twelve (12) feet in height.

b. Freestanding signs between ten square feet and fifty (50) square feet in sign area shall not be closer than five feet from any public right-of-way or side lot line and shall not exceed fifteen (15) feet in height.

c. Freestanding signs between fifty (50) square feet and seventy-five (75) square feet in sign area shall not be closer than ten feet from any public right-of-way or side lot line and shall not exceed fifteen (15) feet in height.

d. All freestanding signs exceeding seventy-five (75) square feet in sign area shall not be closer than twenty (20) feet from any public right-of-way or side line and shall not exceed fifteen (15) feet in height.

e. No signs shall be closer than ten feet from each other.

2. In areas located within one hundred (100) lineal feet of a Federal Interstate Highway right-of-way freestanding signs shall:

a. Not exceed one hundred twenty-five (125) square feet in sign area or fifteen (15) lineal feet in any direction;

b. Require a setback from the public right-of-way of twenty-five (25) feet;

- c. Require a setback from a side or rear lot line of two hundred (200) feet;
- d. Require spacing of five hundred (500) feet to another sign;
- e. Not exceed twenty (20) feet in height;
- f. Not be used to calculate total sign area allowance as required in Section 15.44.100.

G. Roof-Mounted Signs. Roof-mounted signs are strictly prohibited in the city, except in an industrial district. No roof-mounted sign shall extend more than twenty (20) feet above the roof line of the building to which it is attached.

H. Billboards. Billboards (including all off-premises advertising signs) are strictly prohibited in the city, except in an industrial district. No billboard erected in an industrial district shall:

- 1. Be stacked on top of another billboard; or
- 2. Be located closer than fifty (50) feet from any public right-of-way; or
- 3. Be located closer than one thousand (1000) feet from any other billboard on the same side of a public right-of-way; or
- 4. Be permitted unless it relates to permitted zoning uses allowed in an industrial zoning district and is located not closer than five hundred (500) feet from any industrial zoning district boundary; or
- 5. Extend more than twenty (20) feet above the ground or pavement where it is located; or
- 6. Exceed one hundred fifty (150) square feet in area.

I. Zoned Area Directional Signs. Zoned area directional signs shall not exceed twelve (12) inches in height nor twenty (20) inches in

width; they shall have a brown background and white lettering;

and they shall be installed by the City (when a permit for the same has been issued pursuant to Section 15.44.270 of this sign code) on street sign standards in accordance with the requirements set forth in subsection "S" (Zoned area directional signs) of Section 15.44.170 (Permitted Street Graphics) of this sign code.

J. Electronic Message Board. All such signs authorized by permit may be designed to be capable of changing the message thereon, including such as for time or temperature, either manually or electronically; provided, the following requirements are satisfied for such changeable copy area:

1. Such sign shall conjoin with a Monument Sign, shall comply with subsection (F) of this section and shall comply with 15.44.070 "Selected definitions" defining a Monument Sign;

2. Such sign may occupy no more than 40% of the applicable sign face;

3. Such sign is of equal width with no separation as the attached principal sign face;

4. No animation or movement of any content is permitted;

5. No sign shall have blinking, flashing or fluttering lights or have a changing light intensity, brightness or color;

6. Each message displayed thereon shall remain visible in at least thirty (30) second intervals before being reset or replaced with another message;

7. The use of profane language/images or content that is abusive towards another person/public or use any violent/abusive language/content under circumstances reasonably calculated to provoke a breach of the peace is strictly prohibited;

8. Electronic message centers shall come equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions and at a distance of

four (4) feet measured perpendicular from the center of such sign shall not omit a foot-candle measurement more than five (5) above the ambient light conditions;

9. Such sign shall not be located within one hundred (100) feet of a residential district;

10. No more than one such sign per lot;

11. Such sign shall only be displayed on the street front corridors of Admiral Parkway (Route 3), Admiral Weinell Boulevard, Admiral Trost Road, Valmeyer Road, Old State Route 3 and Frontage Road;

12. Such sign's location shall be established by the following:

a. Free Standing Signs conjoining with an Electronic Message sign up to ten square feet in sign area shall not be closer than one foot from the right-of-way or side lot line.

b. Free Standing Signs conjoining with an Electronic Message sign between ten square feet and fifty (50) square feet in sign area shall not be closer than five feet from any public right-of-way or side lot line.

c. Free Standing Signs conjoining with an Electronic Message sign between fifty (50) square feet and seventy-five (75) square feet in sign area shall not be closer than ten feet from any public right-of-way or side lot line.

d. Free Standing Signs conjoining with an Electronic Message sign exceeding seventy-five (75) square feet in sign area shall not be closer than twenty (20) feet from any public right-of-way or side line.

13. Such sign shall display emergency notifications when requested from local governing authority.

(Ordinance No. 3260, Added, 06/06/2016, Added Item J - Electronic Message Board; 15.44.190 (Ord. 2282), Amended, 08/02/2004, Amended Paragraph "I")

Section 15.44.200 Commercial park CP-1--Low intensity, high quality retail business park districts.

A. Signs. It is the purpose of this section to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within commercial park CP-1 (low intensity, high quality retail business park districts) in the city in order to promote the public safety, health and general welfare of the community. These regulations are specifically designed to:

1. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the city;
2. Prohibit hazardous and dangerous signs;
3. Provide a desirable and uniform system of signage to enhance the overall function and appearance of the commercial park.

B. Scope. The provisions of this section shall not apply to:

1. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization;
2. Real estate signs not exceeding six square feet in area which advertise the sale, rental or lease of the premises upon which the signs are located; which signs may not be located off the premises; and which signs shall be removed within five days following the sale or lease of the property being advertised for sale or lease;
3. Memorial signs or tablets, incorporating names of buildings, and dates of erection when cut into any masonry surface, or when constructed of bronze or other noncombustible materials;
4. Signs erected inside a building not visible through windows.

C. Permitted Signs. Within this commercial park district, only the following signs shall be permitted:

1. Monument Signs. A monument sign is a type of sign in which the entire bottom of the sign is generally in contact with or in close proximity to the ground. It is not attached to a building but is erected upon or supported by the ground, a ground planter box, or similar low support structure. The total height of a monument sign measured from the ground to the top of the sign shall not exceed six feet. Masonry materials or other approved materials consistent with materials used on the building's exterior front facade are to be used for monument signs. One monument sign per lot shall be allowed in this commercial park district. The total outline area of the sign shall not exceed fifty (50) square feet.

2. Directional Signs. Signs indicating directions for vehicular or pedestrian traffic or movement on a site shall be allowed upon approval of the building inspector. One sign per entry/exit not exceeding nine square feet in size shall be permitted. Additional directional signs within parking lots and along driveways shall be allowed upon approval of the building inspector. Building inspector approval will depend on compliance with the other terms and provisions of this section regulating signs in a CP-1 zoning district.

3. Identification Signs. One nonilluminated sign attached to the building it identifies, not exceeding two square feet in size, displaying the name, occupation and/or service located on the premises and the address shall be permitted.

4. Directory Signs. For buildings or groups of buildings with multiple occupancies, a directory sign may be substituted in lieu of the otherwise allowable monument sign, subject to

review and approval by the street graphics advisory committee. However, such directory sign shall be subject to the same square footage and material requirements as a monument sign.

D. Prohibited Signs. The following signs and advertising devices are prohibited:

1. Animated signs;

2. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property;

3. Any sign erected in any location where by reason of its location will obstruct the view of any authorized traffic sign, signal or other traffic control device; nor may any sign, by reason of its shape, position or color interfere with, or be confused with any authorized traffic signal sign or device; further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way;

4. Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired or sold, or a service not rendered upon the premises upon which the sign is located;

5. Any sign or advertising device such as banners and pennants affixed to poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or devices;

6. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property; however, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer;

7. Flashing signs including electronic message centers; however, not including digital time and temperature signs involving only that information and no further or additional information of an advertising nature;

8. Portable signs, signs not permanently affixed to the ground;

9. Signs which contain characters, cartoons, statements, words or pictures of an obscene, indecent, prurient or immoral character;

10. Signs which would be located closer than ten feet from any property line.

E. Sign Lighting. All signs permitted in this commercial park district shall be illuminated only by way of ground-mounted flood-lighting or by means of low intensity backlighting. No neon or similar illuminated signs shall be permitted. Attached illuminated lighting for restaurant, hotel, and motel uses in this commercial park district shall be reviewed and approved on an individual basis by the city council.

F. Variances. Variances from the strict application of this section may be granted by the city council in accordance with and as is contained in Section 15.44.380.

G. Supremacy Clause. In the event there is a conflict between the sign regulations for commercial park CP-1 zoning districts contained in this section and any other section of the city's street graphics control ordinance, or any other ordinance or resolution of the city, the regulations contained in this section shall control. (Ord. 1191 § 2, 1993; Ord. 892 § 4-5, 1991)

Section 15.44.210 Commercial park CP-2--Medium intensity and medium quality retail and wholesale business district.

A. Signs. It is the purpose of this section to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within commercial park CP-2 (medium intensity and medium quality retail and wholesale business zoning districts) in the city ("CP-2 districts" or "this district") in order to promote the public safety, health and general

welfare of the community. These regulations are specifically designed to:

1. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the city;
2. Prohibit hazardous and dangerous signs;
3. Provide a desirable and uniform system of signage to enhance the overall function and appearance of the commercial park.

B. Scope. The provisions of this section shall not apply to:

1. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization;

2. Real estate signs not exceeding six square feet in area which advertise the sale, rental or lease of the premises upon which the signs are located; which signs may not be located off the premises; and which signs must be removed within five days following the sale or lease of the property being advertised for sale or lease;

3. Memorial signs or tablets, incorporating names of buildings, and dates of erection when cut into any masonry surface, or when constructed of bronze or other noncombustible materials;

4. Signs erected inside a building not visible through windows.

C. Permitted Signs. Within this commercial park district, only the following signs shall be permitted:

1. Monument Signs. A monument sign is a type of sign in which the entire bottom of the sign is generally in contact with or in close proximity to the ground. It is not attached to a building but is erected upon or supported by the ground, a ground planter box, or similar low support structure. The total height of a monument sign measured from the ground to the top of the sign shall not exceed six feet. Masonry materials or other approved materials consistent with materials used on the building's exterior front facade are to be used for monument signs. One monument sign per lot shall be allowed in this commercial park district. The total outline area of the sign shall not exceed fifty (50) square feet.

2. Directional Signs. Signs indicating directions for vehicular or pedestrian traffic or movement on a site shall be allowed upon approval of the building inspector. One sign per entry/exit not exceeding nine square feet in size shall be permitted. Additional directional signs within parking lots and along driveways shall be allowed upon approval of the building inspector, which approval shall not be withheld as long as the sign does not violate the other requirements of this section.

3. Identification Signs. One nonilluminated sign attached to the building it identifies not exceeding two square feet in size, displaying the name, occupation, and/or service located on the premises and the address shall be permitted.

4. Directory Signs. For buildings or groups of buildings with multiple occupancies, a directory sign may be substituted in lieu of the otherwise allowable monument sign, subject to review and approval by the street graphics advisory committee. However, such directory sign shall be subject to the same square footage and material requirements as a monument sign.

D. Prohibited Signs. The following signs and advertising devices are prohibited:

1. Animated signs;
2. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property;

3. Any sign erected in any location where by reason of its location will obstruct the view of any authorized traffic sign, signal or other traffic control device; nor may any sign, by reason of its shape, position or color interfere with, or be confused with any authorized traffic signal sign or device; further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way;

4. Any on-premises sign advertising an article or product not manufactured,

assembled, processed, repaired or sold, or a service not rendered upon the premises upon which the sign is located;

5. Any sign or advertising device such as banners and pennants affixed to poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or devices;

6. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property; however, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer;

7. Flashing signs including electronic message centers; however, not including digital time and temperature signs involving only that information and no further or additional information of an advertising nature;

8. Portable signs, signs not permanently affixed to the ground;

9. Signs which contain characters, cartoons, statements, words or pictures of an obscene, indecent, prurient or immoral character;

10. Signs which would be located closer than ten feet from any property line.

E. Sign Lighting. All signs permitted in this commercial park district shall be illuminated only by way of ground-mounted flood-lighting or by means of low intensity backlighting. No neon or similar illuminated signs shall be permitted. Attached illuminated lighting for restaurant, hotel and motel uses in this commercial business park district shall be reviewed and approved on an individual basis by the city council.

F. Variances. Variances from the strict application of this section may be granted by the city council in accordance with and as is contained in Section 15.44.380.

G. Supremacy Clause. In the event there is a conflict between the sign regulations for commercial park CP-2 zoning districts and the regulations contained in this section and any other section of the city's street graphics control ordinance, or any other ordinance or resolution of the city, the regulations contained in this section shall control. (Ord. 1191 § 3, 1993; Ord. 892 § 4-6, 1991)

Section 15.44.220 Business park districts--BP-1 through BP-5.

A. Signs. It is the purpose of this section to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within the business park zoning districts in order to promote the public safety, health and general welfare of the community. These regulations are specifically designed to:

1. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the city;

2. Prohibit hazardous and dangerous signs;

3. Provide a desirable and uniform system of signage to enhance the overall function and appearance of the business park.

B. Scope. The provisions of this section shall not apply to:

1. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization;

2. Real estate signs not exceeding six square feet in area, which advertise the sale, rental or lease of the premises upon which the signs are located; which signs shall be removed within five days following the sale or lease of the property being advertised for sale or lease;

3. Memorial signs or tablets, incorporating names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible

materials;

4. Signs erected inside a building not visible through windows.

C. Permitted Signs. Within the business park zoning districts, only the following signs shall be permitted:

1. Monument Signs. A monument sign is a type of sign in which the entire bottom of the sign is generally in contact with or in close proximity to the ground; it is not attached to a building but is erected upon or supported by the ground, a ground planter box, or similar low support structure; the total height of a monument sign measured from the ground to the top of the sign shall not exceed six feet; masonry materials or other approved materials consistent with materials used in the building's exterior front facade are to be used for monument signs; one monument sign per lot shall be allowed in all business park zoning districts; the total outline area of the sign shall not exceed fifty (50) square feet.

2. Directional Signs. Signs indicating directions for vehicular or pedestrian traffic or movement on a site shall be allowed upon approval of the building inspector; one sign per entry/exit not exceeding nine square feet in size shall be permitted. Additional directional signs within parking lots and along driveways shall be allowed upon approval of the building inspector, which approval shall not be withheld as long as the sign does not violate the other requirements of this section.

3. Identification Signs. One nonilluminated sign attached to the building it identifies not exceeding two square feet in size, displaying the name, occupation and/or service located on the premises and the address shall be permitted.

4. Directory Signs. For buildings or groups of buildings with multiple occupancies, a directory sign may be substituted in lieu of the allowable monument sign subject to review and approval by the street graphics advisory committee; however, such directory sign shall be subject to the same square footage and material requirements as a monument sign.

D. Prohibited Signs. The following signs and advertising devices are prohibited:

1. Animated signs;

2. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property;

3. Any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal or other traffic control device; nor may any sign, by reason of its shape, position or color interfere with or be confused with any authorized traffic signal sign or device; further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way;

4. Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located;

5. Any sign or advertising device such as banners and pennants affixed to poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or devices;

6. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property; however, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer;

7. Flashing signs including electronic message centers; however, not including digital time and temperature signs involving only that information and no further or additional information of any advertising nature;

8. Portable signs, signs not permanently affixed to the ground;

9. Signs which contain characters, cartoons, statements, words or pictures of an obscene, indecent, prurient or immoral character;

10. Signs which would be located closer than ten feet from any property line.

E. Sign Lighting. All signs permitted in the business park zoning district shall be illuminated only by way of ground-mounted flood-lighting or by means of low intensity back-lighting. No neon or similarly illuminated signs shall be permitted. Attached, illuminated lighting for restaurant, hotel and motel uses in the BP-5 zoning district shall be reviewed and approved on an individual basis by the city council.

F. Variances. Variances from the strict application of this section may be granted by the city council in accordance with and as is contained in Section 15.44.380.

G. Supremacy Clause. In the event there is a conflict between the sign regulations for business park zoning districts and regulations contained in this section and any other section of the city's street graphics control ordinance, or any other ordinance or resolution of the city, the regulations contained in this section shall control. (Ord. 1191 § 4, 1993: Ord. 892 § 4-7, 1991)

Section 15.44.225 Office Park 1 (OP-1) Districts.

In an Office Park 1 Zoning District, the signage shall comply with the following regulations:

A. Building Signs. The building numbers and/or building name identification displayed on a building in this zoning district must be flush mounted on the front of the building. Building identification signs may not exceed six (6) square feet in area. No more than one (1) building identification sign shall be allowed per building in this zoning district.

B. Tenant Signs. Address numbers for tenants in a building occupied by a building tenant and/or tenant identification signs must be flush mounted on the building to which they pertain and located adjacent to the tenant's main entrance to the building. Tenant address numbers and/or identification signs shall not exceed two (2) square feet in area. No more than one (1) sign per tenant per building shall be allowed.

C. Tenant Directory Signs. A building tenant may display no more than one (1) directory sign which may list the tenant's name, occupation, or type of building, address, phone number, and hours of operation. Such signs must be located at the main entry door of the premises occupied and operated by the tenant. Such signs shall not exceed four (4) square feet in area. No more than one (1) tenant directory sign per tenant per building shall be allowed.

D. Complex Identification Signs. One (1) "Complex Identification Sign" may be located on the common ground of a multi-building complex in this zoning district. The sign must be a "monument sign" as defined in Section 15.44.070 of this Code. The "Complex Identification Sign" shall not exceed twenty-five (25) square feet in total area and shall not exceed six (6) feet in any dimension. "Complex Identification Signs" shall not be located closer than five (5) feet to any public right-of-way. No more than one (1) "Complex Identification Sign" shall be permitted for one (1) complex of buildings in a unified building development in this Zoning District. "Complex Identification Signs" shall be located at the main entrance of the complex they identify where practicable. "Complex Identification Signs" shall only display the name of the complex identified by the sign.

E. Signs not permitted in an Office Park 1 Zoning District. The following signs are prohibited in an Office Park 1 Zoning District:

1. Free standing signs, except for monument type "Complex Identification Signs".
 2. Any sign exceeding six (6) feet in any dimension.
 3. Illuminated signs other than signs that are front lighted by spot light or flood light type lighting or signs which are self-illuminating - (provided and only if the self-illuminated sign has a field which is opaque and lettering and/or logo which is translucent).
- (15.44.225 (Ord. 2055), Added, 05/20/2002)

Section 15.44.230 Off-premises church directional signage.

- A. Need For Signage.
 1. To offer directions to those who wish to attend a specific church for services, weddings, funerals or other church-related functions;
 2. The intent is not to advertise the church, but for the benefit of someone of that faith who is passing through and upon seeing the sign may want to attend that church service or visit the church.
- B. Location of Church. For a church to be eligible for this type of signage, the church must be located within a two-block distance from the main thoroughfares of Main Street or Admiral Parkway.
- C. Physical Characteristics of Sign.
 1. Size: seven-inch by twelve (12) inch rectangle for text with four-inch high triangle for gable roof with seven-inch steeple, with rounded corners with one-half-inch radius. (See drawing attached to the ordinance codified in this section.)
 2. Two-sided sign.
 3. Letters to be a maximum of two inches tall of white reflective material.
 4. The field shall be matte black with a three-eighth-inch reflective white border.
- D. Location of Sign.
 1. One sign location only.
 2. Sign shall be located at the nearest main thoroughfare from the church.
 3. Sign shall be located on the existing light standards closest to the intersection leading to the church.
 4. The preferred and standard mounting height to bottom of sign shall be eight feet. In the event of a conflict with another sign, a minimum deviation of up to a maximum of twelve (12) feet will be permitted.
 5. No sign shall be located in front of nor directly across the street from another church.
- E. Responsibilities of Church and City.
 1. The church:
 - a. Shall pay all costs for the production of the sign and mounting brackets and the labor to install; and
 - b. Shall submit application and drawing indicating desired text.
 2. The city:
 - a. Shall produce all signs to insure uniformity, size, bracket material, and competent installation;
 - b. Shall be responsible for the exact location of the sign; and
 - c. Shall bill the church for all costs involved with the sign. (Ord. 1498 § 1, 1996: Ord. 892 § 4-8, 1991)

Section 15.44.240 Signs on historic landmarks and/or in historic districts.

- A. Purpose of Regulation.
 - 1. The following standards will be applied by the Columbia historic preservation commission in determining the appropriateness of proposed signs on historic landmarks and/or in historic districts of the city in their determination whether a certificate of appropriateness will be issued pursuant to Chapter 15.64.
 - 2. These standards are derived from the secretary of interior standards for rehabilitation, adopted and supplemented by local standards, to fit specific situations encountered in the city. They are provided herein to insure that everyone, commission members and property owners alike, have an equal understanding of the standards that are applied by the Columbia historic preservation commission.
- B. Standards Applied to Proposed Signs on Historic Landmarks and/or in Historic Districts.
 - 1. Signs should relate in placement and size to other building elements.
 - 2. Signs should not obscure other building elements such as windows, cornices or decorative details.
 - 3. Sign material, style and color should compliment the building facade.
 - 4. Use of internally illuminated signs is discouraged, unless it can be shown that such illumination is traditionally associated with a particular type of sign (e.g., theater marquees).
 - 5. New signs should fit within architectural space designed for them (such as on signboards above store fronts), when such space exists.
 - 6. Wall-mounted signs should be mounted so they do not damage the surface to which they are mounted.
 - 7. Large signs on upper facades, rooftop signs, additional billboards and other outdoor advertising signs painted or mounted on structures are prohibited. (Ord. 1528 § 1, 1996: Ord. 892 § 4-9, 1991)

Section 15.44.249A Article 5. Administration and Enforcement

Section 15.44.250 Enforcement officer--Duties.

The Zoning Administrator/Code Enforcement Officer shall administer and enforce the provisions of this chapter. This broad responsibility includes, but is not limited to, the following specific duties:

- A. To supervise the registration of all existing street graphics;
- B. To review and pass upon applications for street graphic permits;
- C. To inspect existing and newly constructed street graphics to determine compliance with this chapter, and where there are violations, to initiate appropriate corrective action;
- D. To review and forward to the street graphics advisory committee all applications for variances, appeals and amendments;
- E. To maintain up-to-date records of the applications and of any official actions

taken pursuant thereto;

F. To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on these matters to the city council at least once each year;

G. To provide information to the general public on matters related to this chapter; and

H. To remove illegal signs from public or private property as is made and provided for in Section 15.44.291 of this sign code.

I. To perform such other duties as the City Council may from time to time prescribe.

(15.44.250 (Ord. 2144), Amended, 02/17/2003, Added H and I subparagraphs.)

Section 15.44.260 Registration of existing street graphics.

The owner of every existing sign, billboard or other street graphic for which a sign permit has not been heretofore issued under the former street graphics control ordinance of the city, adopted February 13, 1984, except those listed on Section 15.44.170 of this chapter, shall register the street graphic with the administrator on a prescribed form not later than ninety (90) days after the effective date of the ordinance codified in this chapter. At the time of registration, the administrator shall inform the owner regarding the provisions of Section 15.44.280. (Ord. 892 § 5-2, 1991)

Section 15.44.270 Street graphic permits.

After the effective date of the ordinance codified in this chapter, no sign, billboard or other street graphic (other than those for which a sign permit has been heretofore issued under the former street graphics control ordinance of the city adopted February 13, 1984 and except those listed in Section 15.44.170), shall be erected, expanded, altered, relocated or reconstructed without a street graphic permit issued by the administrator.

A. Application. Every applicant for a street graphic permit shall submit to the administrator, in narrative and graphic form, all of the items of information listed below.

Items of information:

1. Name, address and telephone number of the applicant;
2. Name and address of the owner of the premises on which the street graphic is to be erected, if different from subdivision (1) of this subsection;
3. Location of the building, structure or lot where the proposed street graphic is to be erected, and the zoning district classification of the premises;
4. Description of the proposed street graphic indicating proposed location, dimensions, area, overall height, illumination, and method of support or attachment;
5. The nature and location of traffic control devices located within one hundred fifty (150) feet of the proposed street graphics;
6. Amount of street frontage that the establishment which proposes to display the street graphic has, and the total area of all existing signs on the premises; and
7. Such other information as the administrator shall reasonably require to determine

full compliance with this chapter.

The applicant shall pay to the city clerk the fee prescribed in Section 15.44.320 when the application for the street graphic permit is filed with the administrator.

B. Insurance Requirements. The administrator shall not issue a permit for any street graphic which is so located that it might fall upon a public right-of-way until the applicant has obtained a liability insurance policy covering all damages or injuries which might be caused by such an event. The applicant shall be responsible for keeping the policy in force, and shall keep on file with the city clerk proof of such insurance (including a copy of the insurance policy or policies providing coverage for the same, to include the currently effective cover sheet or declaration of coverage sheet pertaining thereto) naming the city as a co-insured. The policy or policies of insurance shall provide that same may not be cancelled without thirty (30) days prior written notice to the city. (Ord. 892 § 5-2, 1991)

Section 15.44.280 Nonconforming street graphics.

A "nonconforming street graphic" means any sign, billboard or other street graphic located in the city that does not conform to one or more provisions of this chapter, as from time to time amended; except such sign, billboard or street graphic for which a sign permit was heretofore issued under the former street graphics control ordinance of the city adopted February 13, 1984.

A. Restrictions. A nonconforming street graphic that does not pose an imminent peril to life or property may remain and be maintained by ordinary repairs until the amortization period has elapsed, but shall not be:

1. Altered or enlarged in such a way as to increase its nonconformity;
2. Replaced by another nonconforming street graphic (provided that changing the message on a changeable copy sign shall not be deemed a violation of this provision);
3. Relocated unless it is made to conform with this chapter; or
4. Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its market value at the time of loss as determined by the administrator.

Further, whenever any existing street graphic located in an agricultural district or a residential district in the city is found to be nonconforming because it pertains to a commercial or an industrial use in violation of Section 15.44.180, same may be replaced, relocated and/or reconstructed pursuant to subsections (A)(2), (3) and (4) of this section if in compliance with the requirements of Section 15.44.190; notwithstanding it is located in an agricultural or residential district in the city.

B. Amortization.

1. Any street graphic that is nonconforming on the effective date of the ordinance codified in this chapter because it violates one or more sections of this chapter, shall either be removed or made to comply with this chapter within the time limit indicated in the following categories (which are based upon the cost or rental value of the street graphic). In the case of a street graphic owned by the user, the value shall be determined by the original cost of the street graphic. In the case of a leased street graphic, the value of the street graphic shall be determined by multiplying the periodic payment under the lease agreement by the total number of payments remaining due under the lease agreement.

Value of Street Graphic	Time Limit
Less than \$5,000.00	Within 2 years
\$ 5,001.00 to \$15,000.00	Within 3 years
\$15,001.00 to \$25,000.00	Within 4 years
\$25,001.00 to \$35,000.00	Within 5 years

\$35,001.00 to \$45,000.00 Within 6 years
 \$45,001.00 or more Within 7 years

Provided, that any street graphic which would be conforming but for the fact that it is a nonconforming commercial or industrial use located in an agricultural district or residential district shall be exempt from amortization.

2. Any street graphic that becomes nonconforming because of an amendment to this chapter shall either be removed or made to comply with this chapter as amended, within the amortization period provided in this chapter as amended. (Ord. 892 § 5-4, 1991)

Section 15.44.290 Corrective action orders.

Whenever the administrator finds, by inspection or otherwise, that any street graphic is in violation of this chapter, the administrator shall notify the responsible party (and the owner of the property where the violation exists if the responsible party is other than the property owner), and shall order appropriate corrective action.

A. Contents of Order. The order to take corrective action shall be in writing and shall include:

1. A description of the premises sufficient for identification;
2. A statement indicating the nature of the violation;
3. A statement of the remedial action necessary to effect compliance;
4. The date by which the violation must be corrected (which may be the same date as the date of order where the administrator finds that the street graphic poses an immediate peril to life or property);

5. A statement that the alleged violator is entitled to confer with the administrator if he or she so desires;

6. The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and

7. A statement that failure to obey a corrective action order shall result in revocation of the street graphic permit, and may result in remedial action by the city.

B. Service of Order. A corrective action order shall be deemed properly served upon the owner of the offending street graphic if it is:

1. Served upon him or her personally;
 2. Sent by registered mail, return receipt requested, restricted delivery, to his or her last known address, which shall be deemed served on date receipted for; or
 3. By posting in a conspicuous place on the premises where the violation exists.
- (Ord. 892 § 5-5, 1991)

Section 15.44.291 Removal of illegal street graphics.

In addition to issuing a citation and proceeding to seek a fine for a violation of any provision of this chapter, the Zoning Administrator/Code Enforcement Officer is authorized to revoke any street graphic permit in accordance with the procedures established in the proceeding Section 15.44.290 of this code. Maintenance of a sign is unlawful if it is installed and maintained without first having obtained a sign permit for the sign in accordance with the requirements of Section 15.44.170 of this code or upon revocation of a permit issued under and pursuant of this code.

Signs installed on public property without a permit and permission of the governmental authority who holds and owns the property where the sign is installed are illegal signs and notwithstanding anything contained in this code to the contrary, may be summarily removed by the Zoning Administrator/Code Enforcement Officer without prior notice to the sign owner.

Except for illegal signs removed from property under the preceding paragraph of this section of this code, illegal signs shall be removed by the person who installed and maintains the same or the owner of the property where the sign is installed and maintained. Upon the failure of the responsible person or persons to remove the unlawful sign, the Zoning Administrator/Code Enforcement Officer may cause the sign to be removed.

Notwithstanding the procedures established by Section 15.44.290 of this sign code, the Zoning Administrator/Code Enforcement Officer may cause any sign which is an immediate peril to persons or property to be repaired or removed summarily and without notice, at the expense of the permittee or the owner of the property on which it is located.

Any expenses incurred by the City for the repair or removal of a dangerous sign or the removal of an illegal sign, if not paid within thirty (30) days after the City has issued and delivered a statement therefor, shall be a lien upon the real property on which the sign was located. Notice of the lien may be filed by the Zoning Administrator/Code Enforcement Officer in the Office of the Record of Deeds of the county where the property on which the sign was located is situated. The lien may be foreclosed as in cases of foreclosure of real estate mortgages or mechanic's liens by the City instituting an action to foreclose the lien in the circuit court of the county where the real estate is located.

The City shall not be responsible for the condition or storage of signs removed as provided herein after giving the sign owner and/or the owner of the property on which the removed sign was located a twenty (20) day notice and opportunity to retrieve the sign. (15.44.291 (Ord. 2144), Added, 02/17/2003, Added new Section 15.44.160.)

Section 15.44.300 Complaints.

Whenever any violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the administrator. The administrator shall record such complaint, promptly investigate the same and take such remedial action as the administrator deems necessary, including issuance of a corrective action order pertaining to the same. (Ord. 892 § 5-6, 1991)

Section 15.44.310 Violations--Penalties.

A. Any person who is convicted of a violation of this ordinance shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day that a violation continues shall be considered a separate offense.

B. Nothing contained in this section shall prevent the city from taking any other lawful action that may be necessary to secure compliance

with this chapter, including filing a suit in equity for injunctive relief.

(Ord. 1210 § 2, 1993: Ord. 892 § 5-7, 1991)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Section 15.44.320 Schedule of fees.

All fees shall be paid to the city clerk. Said fees are intended to defray the administrative costs connected with the processing and administration of the listed permits and procedures; and do not constitute a tax or other revenue-raising device. The fees to be paid shall be in the amount and for the term to be set by city ordinance from time to time. (Amended during 1997 codification; Ord. 892 § 5-8, 1991)

Section 15.44.329A Article 6. Special Permits and Procedures

Section 15.44.330 Street graphics advisory committee--Established.

The street graphics advisory committee of the city is established. The committee shall advise the city council regarding street graphic permits, appeals, variances, amendments and other matters arising under this chapter, and shall perform such other duties as the city council may prescribe. (Ord. 892 § 6-1, 1991)

Section 15.44.340 Street graphics advisory committee--Membership qualifications, recognition.

The street graphics advisory committee shall consist of seven (7) members, all of whom shall reside within the city. The composition of the committee shall be as follows:

- A. One professional architect licensed to practice in the state of Illinois; or other individual having formal training in architecture, design, structural engineering, urban affairs or fine arts;
- B. One member of the board of appeals or plan commission;
- C. One representative of the Chamber of Commerce or other similar community organization; and
- D. Four (4) members selected from the community at large.

No committee member shall receive a fee or monetary compensation for services rendered and each committee member shall receive for his or her services such recognition as is determined to be appropriate, from time to time, by the city council. (Ord. 892 § 6-1.1, 1991)

(15.44.340, Amended, 08/02/2004; 15.44.340 (Ord. 2282), Amended, 08/02/2004, Amended intro paragraph and subparagraph "D")

Section 15.44.350 Street graphics advisory committee--Appointment, term, vacancies.

Each committee member shall be appointed by the mayor with the advice and consent of the city council. The committee shall select one of its members to act as chairperson, one to act

as vice-chairperson, and one to act as secretary. Each committee member shall hold office for two years from the date of his or her appointment, and until his or her successor has been selected and qualified. At the initial appointment of the committee, three members shall be appointed for two-year terms and two members for one-year terms; thereafter, all appointments shall be for two-year terms. With the advice and consent of the city council, the mayor may remove for cause, after a public hearing, any member of the committee. Vacancies in the committee shall be filled for the unexpired term of the member whose position on the committee has become vacant in the same manner as provided for the appointment of new members. (Ord. 892 § 6-1.2, 1991)

Section 15.44.360 Street graphics advisory committee--Meetings, quorum, records.

All meetings of the street graphics advisory committee shall be held at the call of the chairperson and at such times as the committee may determine. All committee meetings shall be open to the public. All meetings of the street graphics advisory committee shall be subject to the requirements of the Illinois Open Meetings Act. Three members of the committee shall constitute a quorum, and the affirmative vote of at least three members shall be necessary to authorize any committee action. The committee shall keep minutes of its proceedings. The minutes shall record membership attendance at each meeting, indicating members present and members absent; voting on all questions put to vote shall be by roll call vote and not by voice vote or show of hands with record of the votes cast recorded in the minutes of the meeting by yeas, nays and abstentions; and the minutes shall indicate any official action taken by the committee on any matter coming before the committee. A copy of every decision or recommendation of the committee shall be filed with the city clerk, and shall be a public record. (Ord. 892 § 6-1.3, 1991)

Section 15.44.370 Appeals.

Any person aggrieved by any decision or order of the administrator in any matter related to the interpretation or enforcement of any provision of this chapter may appeal to the city council.

A. Filing, Stay or Further Proceedings. Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the administrator a written notice specifying the grounds for appeal. Thereupon, the administrator shall promptly transmit all pertinent records to the street graphics advisory committee.

An appeal stays all further action on the matter being appealed unless the administrator certifies to the city council, after the notice of appeal has been filed with the administrator, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the city council grants a stay or the Circuit Court grants a restraining order and so notifies the administrator.

The fee to be paid to the city clerk for an appeal under this chapter shall be as set by city ordinance from time to time.

B. Public Hearing--Notice. The street graphics advisory committee shall hold a public hearing on every appeal within sixty (60) days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of hearing, and briefly describing the issue to be decided shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by:

1. First class mail to all parties the committee finds would be directly affected by

the appeal; and

2. Publication in a newspaper of general circulation within the city.
- C. Advisory Report--Decision by City Council. Within ten days after the public hearing, the street graphics advisory committee shall submit their advisory report and all pertinent records to the city council. If the street graphics advisory committee fails to file its advisory report with the city council within ten days after the public hearing or seventy (70) days after receipt of the records from the administrator, whichever is less, it shall be deemed that the committee has approved the action or decision of the administrator. The city council shall render a decision on the appeal at their next regularly scheduled meeting following the receipt of the street graphics advisory committee report or the lapse of the time allowed for the filing of the same with the city council. By simple majority vote of a quorum of all members of the city council then holding office, the city council may reverse or affirm, in whole or in part, or modify or amend the decision or order of the administrator appealed from to the extent and in the manner the city council deems appropriate. (Amended during 1997 codification: Ord. 892 § 6-2, 1991)

Section 15.44.380 Variances.

A variance is a relaxation of the requirements of this chapter that are applicable to a particular street graphic.

A. Application. Every application for a variance shall be filed with the administrator on a prescribed form. The administrator shall promptly transmit said application to the street graphics advisory committee. The application shall contain sufficient information to allow the committee to make an informed recommendation, and shall include, at a minimum, the following:

1. Name and address of the applicant;
2. Location of the street graphic for which the variance is sought;
3. Full and detailed explanation of the grounds for the variance request;
4. Specific sections of this chapter for which a variance from the strict application of the same is being sought;
5. Any other pertinent information that the administrator may require.

The fee to be paid to the city clerk for the processing of a variance application under this ordinance shall be as set by city ordinance from time to time.

B. Public Hearing Notice. The street graphics advisory committee shall hold a public hearing on each variance request within sixty (60) days after the variance application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by:

1. First class mail to the applicant and to all parties the committee finds would be directly affected by the proposed variance; and

2. Publication in a newspaper of general circulation within the city.

C. Advisory Report. Within ten days after the public hearing, the street graphics advisory committee shall submit an advisory report on the requested variance to the city council. Their advisory report shall be responsive to all of the variance standards set forth in subsection E of this section. If the committee fails to file its report with the city council within ten days of the public hearing or seventy (70) days after receipt of the variance application, it shall be deemed that the committee approved the application.

D. Decision by City Council. The city council shall act on every request for a street graphic variance at their next regularly scheduled meeting following receipt of the street graphics advisory committee's advisory report or within ninety (90) days of the filing of the variance

application with the city clerk, whichever is less. By simple majority vote of a quorum of all members of the city council then holding office, the city council shall grant or deny the variance application. If the city council fails to rule on the variance application within the time aforesaid, it shall be deemed that the city council has approved the variance application.

E. Standards for Variances. The city council shall not grant any street graphic variance unless, based upon the evidence presented to them, special circumstances involving size, shape, topography, location or surrounds affect the property referred to in the application, denial of the application would cause unreasonable or unnecessary hardship, and when the sign will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the public safety or welfare and the neighborhood in which it is located.

An exception may be granted only by ordinance passed by at least a majority vote of all members of the city council then holding office after an application for an exception has been submitted to the street graphics committee and after a public hearing is scheduled and held by the street graphics committee and its findings and recommendations are reported to the city council. (Amended during 1997 codification; Ord. 892 § 6-3, 1991)

Section 15.44.390 Amendments.

The city council may amend this chapter in accordance with the provisions of the subsections below. Amendments may be proposed by the city council, the street graphics advisory committee, the administrator, the zoning board of appeals, the plan commission or any party in interest.

A. Filing. Every proposal to amend this chapter shall be filed with the administrator on a prescribed form. The administrator shall promptly transmit said proposal, together with any comments or recommendations he or she may wish to make, to the street graphics advisory committee for a public hearing.

Fees to be paid to the city clerk for processing of an application to amend the street graphics control ordinance shall be as set by city ordinance from time to time.

B. Public Hearing--Notice. The street graphics advisory committee shall hold a public hearing on every amendment proposal within sixty (60) days after the proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by:

1. First class mail to all parties the committee finds would be directly affected by the proposed amendment; and

2. Publication of a notice of hearing in a newspaper of general circulation within the city.

C. Advisory Report--Action by City Council. Within ten days after the public hearing, the street graphics advisory committee shall submit their advisory report to the city council. If the street graphics advisory committee fails to submit its report to the city council within ten days of the public hearing or seventy (70) days after receipt of the amendment proposal, it shall be deemed that the committee has recommended in favor of the adoption of the amendment. The city council shall have sixty (60) days after the public hearing or ninety (90) days after the application for the amendment was filed with the administrator, whichever is more, to rule upon the proposed amendment. If the city council fails to rule upon the proposed amendment within the time aforesaid, it shall be deemed that the city council has approved the amendment. Without further public hearing, the city council may, by simple majority vote of a quorum of all members of the city council then holding office, pass the amendment as proposed, modify or amend it in any way and pass it as modified or amended, reject the amendment or refer

the amendment application back to the street graphics advisory committee for further consideration and recommendation. If the city council refers the proposed amendment back to the street graphics advisory committee for further consideration, the committee shall have thirty (30) days to file its written recommendations with the city clerk and the city council shall have thirty (30) days thereafter to take final action on the amendment. (Amended during 1997 codification; Ord. 892 § 6-4, 1991)

Chapter 15.48

INDUSTRIAL STANDARDS CODE

Sections:

15.48.010	Short title.
15.48.020	Purpose and intent.
15.48.030	Definitions.
15.48.040	Site standards.
15.48.050	Architectural requirements.
15.48.060	Parking requirements.
15.48.070	Street requirements.
15.48.080	Sidetrack requirements.
15.48.090	Utilities.
15.48.100	Nonindustrial uses.
15.48.110	Noise and vibration.
15.48.120	Smoke, odorous matter and toxic matter.
15.48.130	Radioactive materials.
15.48.140	Fire, explosives, humidity, heat and glare.
15.48.150	Signs.
15.48.160	Conflicting ordinances and resolutions.
15.48.170	Violations--Penalties.

Section 15.48.010 Short title.

This chapter shall be referred to as the industrial standards code of the city. (Prior code § 19-1-1)

Section 15.48.020 Purpose and intent.

The purpose and intent of this chapter is to encourage orderly industrial development in the city, and to insure that such development will be compatible with surrounding existing and proposed uses of land, as well as insuring the protection and welfare of all the citizens of the city. The standards contained herein shall be applied to all industrial uses located within the city. (Prior code § 19-1-2)

Section 15.48.030 Definitions.

A. Noise. For the purpose of this chapter, the following definitions pertaining to noise are adopted:

"Decibel" means a unit of measurement of the intensity of sound (the sound pressure level).

"Impact noise analyzer" means an instrument used in conjunction with the sound level meter to measure intensities of short duration sounds.

"Octave band" means one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such octave bands serve to define the sound in terms of its pitch components.

"Octave band analyzer" means an instrument used in conjunction with a sound level

meter to measure sound in each of eight octave bands.

"Sound level meter" means an instrument standardized by the American Standards Association used for measurement of the intensity of sound and is calibrated in decibels.

B. Vibration. For the purpose of this chapter, the following definitions pertaining to vibration are adopted:

"Frequency" means the number of oscillations per second of a vibration.

"Impact vibrations" means earth-borne oscillations occurring in discrete pulses at or less than one hundred (100) pulses per minute.

"Steady state vibrations" means earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than one hundred (100) times per minute shall be considered to be steady state vibrations.

"Three-component measuring system" means a device for recording the intensity of any vibration in three mutually perpendicular directions.

C. Smoke, Odorous Matter and Toxic Matter. For the purpose of this chapter, the following definitions pertaining to smoke, odorous matter and toxic matter are adopted:

"Combustion for indirect heating" means the burning of fuel in equipment, such as steam boilers, water or air heaters, stills or brew kettles, where there is no contact between the products of combustion and the materials being heated.

"Dust" means solid particular matter capable of being air or gas-borne.

"Particular matter" means any finely divided liquid or solid matter capable of being air or gas-borne.

"Process weight" means the total weight of all materials used in any process which discharges dust into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

"Smoke" means any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

"Smoke unit" means a measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a standard smoke chart number by the time of emission in minutes. For example, the emission of standard smoke chart Number 1 for one minute equals one smoke unit.

"Standard smoke chart numbers" means the numbers on the standard smoke chart indicating graduations of light-obscuring capacity of smoke.

D. Fire, Explosives, Humidity, Heat and Glare. For the purposes of this chapter, the following definitions pertaining to fire, explosives, humidity, heat and glare are adopted:

"Flammable or explosive materials" means materials which produce flammable or explosive vapors or gases under ordinary weather temperature including liquids with an open cup flash point of less than one hundred (100) degrees Fahrenheit.

"Free-burning materials" means materials constituting an active fuel.

"Intense burning materials" means materials which by virtue of low ignition temperature, high rate of burning and large heat evolution burn with intensity.

"Moderate burning materials" means materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

"Open cup flash point" means the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

"Original sealed containers" means containers with a capacity of not more than fifty-five (55) gallons.

"Slow burning materials" means materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility. (Prior code § 19-1-3)

Section 15.48.040 Site standards.

The following site standards are herewith established and must be adhered to by all industries located in an industrial site or park:

- A. The minimum parcel size shall be no less than two acres.
- B. The minimum land to building ratio shall be four to one.
- C. The minimum building setback from the main roads shall be fifty (50) feet; such setbacks to be appropriately landscaped.
- D. The minimum side lot setback shall be thirty (30) feet, of which no more than ten feet may be utilized towards a buffer strip.
- E. A twenty (20) foot landscaped buffer strip must be maintained between developed parcels, unless the usage is nonindustrial.
- F. Loading facilities shall be located only at the sides or rear of buildings. (Prior code § 19-1-4)

Section 15.48.050 Architectural requirements.

The following minimum provisions relating to types of industry and architecture must be complied with:

- A. Plans of all proposed buildings must be submitted to the building inspector for approval prior to commencement of construction to assure compliance with all appropriate building construction requirements of the building code; the zoning code, if applicable; the National Flood Insurance Standards; and all provisions of this chapter.
- B. All buildings must have a sprinkler system for fire protection or be constructed in accordance with the Columbia Building Codes.
- C. The exteriors on all sides of buildings shall be constructed of materials considered first-class exterior finish. In the case of expansion walls only, standard concrete blocks will be allowed as the finish of an exterior wall, except that such finish shall not be allowed on street exposed walls. Stucco is not considered a first-class finish for purposes of this chapter.
- D. All structures (except motor vehicle storage or other outside storage structures) must be elevated one foot above or flood-proofed above the base flood elevation (one hundred (100) year flood).
- E. No construction shall be allowed in a floodway, nor shall any construction be allowed in any natural ponding area necessary to store stormwater runoff, which would reduce storage capacity and induce flooding in other areas unless the stormwater collected in such ponding areas is diverted to manmade detention areas of sufficient size to hold such diverted waters.
- F. All outside storage facilities must be appropriately screened on all sides. (Prior code § 19-1-5)

(Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Code to Columbia Building Codes.)

Section 15.48.060 Parking requirements.

The following minimum off-street parking requirements shall be complied with:

- A. All parking shall be to the rear or sides of buildings, except that visitor parking may be allowed on front lots, providing same be appropriately screened and set back not less than twenty (20) feet from front property line.

B. All parking lots shall be paved, and properly lighted. Lighting fixtures shall be placed so that lights do not shine into adjoining uses.

C. All nonpassenger car (e.g., truck) parking shall be to the rear of the building in separate parking facilities from passenger car parking, except pickup trucks which may park on the passenger lot.

D. The minimum number of parking spaces shall be:

1. One three hundred (300) square foot parking space for every two industrial employees on the largest work-shift;

2. Plus one space for each vehicle used in the operation of the industrial concern;

3. Plus one three hundred (300) square foot space for every office worker on the premises at the peak time of operation;

4. Plus additional space for visitors.

E. All required parking shall be on the same lot as the proposed structure. (Prior code § 19-1-6)

Section 15.48.070 Street requirements.

For purposes of this chapter, the following street requirements shall be complied with:

A. To insure the smooth flow of traffic and easy access to individual parcels, all interior roads shall have a one hundred (100) foot right-of-way reserved and such roads shall be constructed with a minimum forty (40) foot pavement. Any turn-arounds will have a sixty (60) foot radius.

B. All interior roads shall be constructed to meet existing requirements of the city for street construction.

C. Lighting shall be required at each intersection, along streets and turnabouts. (Prior code § 19-1-7)

Section 15.48.080 Sidetrack requirements.

For the purpose of this chapter, all sidetracks will conform to the standards set forth in the American Railway Engineering Association construction and maintenance manual. (Prior code § 19-1-8)

Section 15.48.090 Utilities.

All off-site and on-site utilities must be provided by the developer, solely at the developer's expense, and conform to all applicable city, state and/or federal requirements, except that the city may provide certain off-site utilities by serving notice of its intention to do so upon the developer at least one year prior to the actual demonstrated need for such utility service. (Prior code § 19-1-9)

Section 15.48.100 Nonindustrial uses.

Commercial facilities may be provided on an industrial site or within an industrial park to serve employees and visitors. Such facilities may include a branch bank, restaurants, service stores, office buildings and a motel, and shall be constructed in accordance with the appropriate

codes of the city governing such construction. (Prior code § 19-1-10)

Section 15.48.110 Noise and vibration.

The following minimum noise and vibration standards must be complied with:

A. Noise.

1. For purposes of measuring the intensity of frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The "C" network and the "slow" meter response of the sound level meter shall be used. Sounds of short duration, such as forge hammers, punch presses, etc., which cannot be measured accurately with the sound level meter shall be measured with the impact analyzer as manufactured by the General Radio Company, or its equivalent in order to determine the peak value of the impact.

2. The sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any lot line, the maximum permitted decibel levels for the octave band as set forth in the following table:

**Maximum Permitted Sound Pressure Level
(in decibels)**

20 to 75	79
75 to 100	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
Above 4800	39

B. Vibration.

1. No activity shall cause or create a steady state of vibration at any point on any lot line, with a displacement in excess of the permitted

steady state vibration displacement for the frequencies as set forth in the following table:

Maximum Permitted Steady State Vibration Displacement (in inches)	
Frequency (cycles per second)	
10 and below	.0008
10--20	.0005
20--30	.0003
30--40	.0002
40--50	.0001
50--60	.0001
60 and over	.0001

2. No activity shall cause or create an impact vibration, at any point on any lot line, with a displacement in excess of the permitted impact vibration displacement for the frequencies as set forth in the following table:

Maximum Permitted Impact Vibration Displacement (in inches)	
Frequency (cycles per second)	
10 and below	MI .0016
10--20	.0010
20--30	.0006
30--40	.0004
40--50	.0002
50--60	.0002
60 and over	.0002

(Prior code § 19-1-11)

Section 15.48.120 Smoke, odorous matter and toxic matter.

The following minimum smoke, odorous matter and toxic matter standards must be complied with:

A. The density of emission of smoke during normal operations shall not exceed Standard Smoke Chart No. 2, and the quantity of smoke shall not exceed a maximum of ten smoke units per hour per stack.

B. The maximum permitted emission of dust relating to combustion for indirect heating from any source shall not exceed the maximum number of pounds of dust per million British Thermal Units heat input per hour as follows:

The maximum permitted emission shall be 0.50 pounds per minimum size plants producing a heat input of ten million or less British Thermal Units per hour and 0.15 for maximum size plants producing a heat input of ten million or more British Thermal Units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

C. The emission into the atmosphere of process dust or other particulate matter which is unrelated to combustion for indirect heating or incineration shall not exceed .050 pounds per one hundred (100) pounds of process weight or fifty (50) pounds for one hundred thousand (100,000) pounds of process weight. All intermediate values shall be determined from a straight line plotted on log graph paper.

D. The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.

E. The emission of toxic or noxious matter, whether solid, liquid or gaseous shall be so controlled that no concentration at or beyond lot lines shall be detrimental to or endanger the public health, safety, comfort and other aspects of the general welfare, or cause damage or injury to property. (Prior code § 19-1-12)

Section 15.48.130 Radioactive materials.

Activities which require radioactive materials in any form are prohibited unless the following standards are complied with:

A. Unsealed radioactive materials shall not be manufactured, utilized or stored (unless such materials are stored in a fireproof container at or below ground level) in excess of one million times the quantities set forth in Column 1 of the Table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection of the New York State Department of Labor.

B. "Fireproof containers" shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys, unless the lead or low-melting metals or alloys are completely encased in steel.

C. Not one of the following fissionable materials shall be assembled at any one point, place, or work area on a zoning lot in a quantity equal to or in excess of the amount set forth herein:

Material	Quantity
Uranium--233	200 grams
Plutonium--239	200 grams
Uranium--235	350 grams

(Prior code § 19-1-13)

Section 15.48.140 Fire, explosives, humidity, heat and glare.

The following minimum fire, explosive hazards, humidity, heat and glare standards must be complied with:

A. For the purpose of this section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by

specified open cup flash points.

1. Class I includes slow burning to moderate burning materials. This shall include all liquids with an open cup flash point of one hundred eighty-two (182) degrees Fahrenheit or more.

2. Class II includes free burning to intense burning materials. This shall include all liquids with an open cup flash point between one hundred (100) degrees Fahrenheit and one hundred eighty-two (182) degrees Fahrenheit.

3. Class III includes materials which produce flammable or explosive vapors or gases under ordinary weather temperature. This shall include all liquids with an open cup flash point of less than one hundred (100) degrees Fahrenheit.

4. Class IV includes materials which decompose by detonation, including, but not limited to all primary explosives.

B. Class I materials as defined above may be stored, manufactured or utilized in manufacturing processes or other production.

C. Class II materials may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

1. Such storage, manufacture or utilization shall be carried on only within buildings or other structures which are completely enclosed by incombustible exterior walls;

2. Such buildings or other structures shall either be set back at least forty (40) feet from any lot lines, or in lieu thereof, all such buildings shall be protected throughout by an automatic fire extinguishing system.

D. Any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any lot line. (Prior code § 19-1-14)

Section 15.48.150 Signs.

The placement of signs shall be permitted in compliance with the following requirements:

A. An announcement sign containing the name of the business and/or product may be constructed provided it does not exceed fifty (50) square feet in size. Such sign may be placed in the front yard set-back or attached flat to the building.

B. Advertising signs shall be permitted provided that all applicable set-back requirements are met, but shall not exceed one hundred (100) square feet. Such signs shall not be permitted on roof tops of buildings.

C. No sign shall be placed upon any street or street right-of-way.

D. Illuminated signs shall be so placed that the light source does not shine into passing automobiles or into adjoining uses. (Prior code § 19-1-15)

Section 15.48.160 Conflicting ordinances and resolutions.

In any case where a provision of this code is found to be in conflict with a provision of a building, zoning, subdivision, safety or property maintenance ordinance or code of the city existing on the effective date of this industrial standards code, the provisions which established the higher standard shall apply and prevail. (Ord. 1916 § 2 (part), 2001; prior code § 19-1-17)

Section 15.48.170 Violations--Penalties.

Any person, group or other entity who shall violate any provision of this industrial standards code shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day's failure to comply with any such provision shall constitute a separate offense.

(Ord. 1916 § 2 (part), 2001; amended during 1997 codification; prior code § 19-1-18)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.52

STORMWATER MANAGEMENT

Sections:

- 15.52.010 Required.**
- 15.52.020 Short title.**
- 15.52.030 Plan required before development.**
- 15.52.040 On-site detention facilities required.**
- 15.52.050 Detention facilities--General design features.**
- 15.52.060 Detention facilities--Safety features.**
- 15.52.070 Applicability of provisions.**
- 15.52.080 Construction of facilities.**
- 15.52.090 Review by city engineer.**

Section 15.52.010 Required.

The development of land in any zoning district in the city shall require stormwater management as provided in this chapter. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1 (part))

Section 15.52.020 Short title.

This chapter shall be known and may be cited as the stormwater management ordinance. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(A))

Section 15.52.030 Plan required before development.

Any person, firm, corporation or other entity proposing to construct buildings or develop land within any zoning district of the city shall prepare, for approval by the city engineer, a stormwater management plan that describes the manner in which erosion, sediment and runoff resulting from the development will be controlled and managed. No building or construction permits shall be issued by the city and no final plat and no improvement plans for a real estate development in the city shall be approved by the city until the stormwater management plan has been approved by the city engineer as meeting the requirements of this chapter, or the requirement for such stormwater management plan has been waived by the city engineer. Downstream property owners, watercourses, channels or conduits shall not receive stormwater runoff from proposed upstream developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped conditions, nor shall stormwater runoff exceed the capacity of the natural drainage system. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(B))

Section 15.52.040 On-site detention facilities required.

- A. Stormwater runoff resulting from a proposed development shall be detained on-site:
 - 1. By wet or dry bottom reservoirs;
 - 2. By underground reservoirs;

3. On flat roofs, parking lots or streets, or
4. By other detention methods approved by the city engineer.
- B. For purposes of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(C), (D))

Section 15.52.050 Detention facilities--General design features.

A. Detention Basins. Basins may be constructed to temporarily detain the stormwater runoff so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin:

1. Storage Volume.
 - a. The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur once every ten and one hundred (100) years.
 - b. After the storage volume has been determined as required above, a one-foot freeboard shall be added to the dam height.
 2. Outlet Control Works.
 - a. Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.
 - b. Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.
 3. Spillway. Emergency spillways shall be provided to permit the safe passage of runoff generated from a one hundred (100) year storm.
 4. Maximum Depth. The maximum planned depth of stormwaters stored shall not normally exceed four feet.
 5. Side Slopes. The maximum side slopes for grassed basins shall not exceed one foot vertical for two feet horizontal (2:1 slope) for basins less than or equal to four feet deep; for basins greater than four feet deep the maximum side slope shall not exceed three to one (3:1).
 6. Limits of Ponding. In no case shall the limits of maximum ponding be closer than thirty (30) feet horizontally from any building and less than two feet vertically below the lowest sill elevation.
 7. Interior Drainage. The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of one percent.
 8. Low Flow Channel. Small flows through the detention basin should be handled by paved ditches from inflow structure to outflow structure to minimize erosion.
 9. Multipurpose Basins. If the detention basin is to have other uses, the design of the basin bottom should include underdrains to expedite drying of the bottom between runoff events.
 10. Aesthetics. Designs should result in aesthetically pleasing configurations which will enhance public acceptability.
- B. Detention Ponds. Detention ponds may also be used to temporarily detain the differential runoff from the development. In addition to the general design features enumerated above for detention basins, the following features should also be incorporated into the design of any detention pond:
1. Normal Pool Depth. In order to minimize weed growth, the normal pool depth should be four feet.
 2. Depth for Fish. If fish are to be kept in the pond, at least one-quarter of the area of the permanent pool should have a minimum depth of ten feet.
 3. Facilities for Emptying. In order to ease cleaning of the pond or shoreline

maintenance, the pond design should include provisions for emptying the pond.

4. Low Flow By-Pass. The design of any pond may include a low flow by-pass channel or pipeline to divert runoff that can be accommodated by downstream drainageways.

5. Bank Stabilization. In order to minimize the effects of waves or ice, some type of bank stabilization such as rip-rap or concrete should be placed along the normal pool shoreline.

6. Side Slopes Below Normal Pool. The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a safety ledge having a depth of water not greater than three feet immediately adjacent to the shoreline.

C. Rooftop Storage. Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth, the volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.

D. Parking Lot Storage. Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.

E. Other Detention Methods. All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks or swales, etc. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(E))

Section 15.52.060 Detention facilities--Safety features.

Designs of detention facilities shall incorporate safety features, particularly at outlets, on steep slopes, and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs and other protective or warning devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(F))

Section 15.52.070 Applicability of provisions.

The provisions of this chapter shall be applicable in the following areas:

A. Any development in a residential or agricultural zoning district having a gross bulk aggregate area of five acres or more; and

B. Any development in a residential or agricultural zoning district in the city of less than five acres with a fifty (50) percent impervious surface including roads, buildings, utility rights-of-way and other improvements; and

C. Any development in any other zoning district in the city (including but not limited to commercial, commercial park, business park, industrial and historical zoning districts) having a gross bulk aggregate area of one acre or more. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(G))

Section 15.52.080 Construction of facilities.

The stormwater detention facilities shall be built in conjunction with the storm sewer installation and be fully operational after the clearing of vegetation.

A. Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.

B. The maintenance responsibility of the detention area shall remain with the developer and/or contractor until final inspection and applicable construction performance guarantees are released.

C. Before final plat approval and before approval of subdivision improvement plans by the city, the developer shall submit his commitment for future maintenance responsibility of the detention area. The city may withhold final plat approval and approval of improvement plans unless adequate arrangements are made to provide for the future maintenance of the detention area by the developer or the property owners in the subdivision benefitted thereby. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(H))

Section 15.52.090 Review by city engineer.

When applicable, the provisions of this chapter shall be reviewed by the city engineer to assure compliance. (Ord. 1320 § 1 (part), 1995: prior code § 5-7-1(I))

Chapter 15.56

MOBILEHOME PARKS

Sections:

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15.56.020	Construction.
15.56.030	General requirement.
15.56.040	Definitions.
15.56.050	Mobilehome standards and requirements.
15.56.060	Lot size and yard dimensions, setback and building height.
15.56.070	Outdoor living area.
15.56.080	Dependent mobilehomes.
15.56.090	Display title.
15.56.100	Sale of mobilehomes and lots.
15.56.110	Transformation of mobilehomes.
15.56.120	Accessory structures, alterations and additions.
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15.56.200	Jacks and stabilizers.
15.56.210	Mobilehome pad requirements.
15.56.220	On-lot parking.
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15.56.260	Water supply and distribution system.
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15.56.300	Sewage disposal.
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15.56.390	License.
15.56.400	Responsibility of management.
15.56.410	Registration of occupants.
15.56.420	Inspections of mobilehome park.
15.56.430	Responsibility of the mobilehome resident.

15.56.440 Violations--Penalties.

Section 15.56.010 Short title.

This chapter shall be known and may be cited and referred to as the mobilehome park code of the city. (Prior code § 23-1-1)

Section 15.56.020 Construction.

In the construction of this chapter, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. (Prior code § 23-2-1)

Section 15.56.030 General requirement.

Any mobilehome park hereafter established within the city shall be located only in such zoning districts as may be established for such use by the zoning code of the city as amended from time to time. (Prior code § 23-2-2)

Section 15.56.040 Definitions.

As used in this chapter:

"City clerk" means the city clerk of the city of Columbia, Illinois.

"City council" means the city council of the city of Columbia, Illinois.

"MR" means mobile residence zone.

"Mobilehome" means a one-family dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one area to another and to be used without a permanent foundation, and intended to be a permanent habitation for one or more persons.

Mobilehome, Dependent. "Dependent mobilehome" means a mobilehome which does not have toilet and bath or shower facilities.

Mobilehome, Independent. "Independent mobilehome" means a mobilehome with self-contained toilet and bath or shower facilities.

"Mobilehome lot" means a parcel of land for the placement of a mobilehome and the exclusive use of its occupants.

"Mobilehome module" means a factory fabricated building unit transported to a building site, may be mounted on a permanent foundation, and is designed for residential use.

"Mobilehome pad" means that part of an individual mobilehome space or lot beneath the mobile-home including the concrete portion of the pad.

"Mobilehome park" means tract of land or portions thereof, divided into lots or parking berths platted and laid out to provide sites for mobile-homes permanently affixed (as herein defined) to the site, including any building, structure or enclosure used or intended for use as part of the equipment or services of such park, includes courts, developments, communities.

"Mobilehome space" means a portion of a mobilehome park designed for the use or occupancy of one mobilehome.

"Permanent foundation" means a structure other than mobilehome pad, permanently built into the land as a basement, or foundation upon which a mobilehome is placed with wheels, tongue and hitch permanently removed.

"Permanently affixed" means a mobilehome when its wheels or other transporting device(s) have been removed therefrom or otherwise fixed so as to prevent ready removal or

ready mobility of such mobilehome and shall be anchored to the land as provided herein.

"Travel trailer" means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. (Prior code § 23-2-3)

Section 15.56.050 Mobilehome standards and requirements.

In the zoning districts where mobilehomes are permitted, mobilehome units shall comply with the following standards and requirements:

A. Minimum Areas. Mobilehome units shall have a minimum floor area, exclusive of kitchen, bath and closet areas, of one hundred forty (140) square feet when occupied by not more than two persons, nor less than two hundred forty (240) square feet when occupied by three persons, with an additional seventy (70) square feet per person when occupied by more than three persons. No individual room exclusive of kitchen, bath or utility room, shall have an area less than seventy (70) square feet nor be less than seven feet six inches in minimum dimension.

B. Light and Ventilation. Rooms or enclosed spaces, exclusive of kitchens or bathrooms, shall be provided with windows or exterior doors for natural light and ventilation. The aggregate glass area shall be not less than one-tenth of the floor area served, with not less than one-half of this area available for unobstructed ventilation; or the equivalent in mechanical ventilation shall be provided.

Kitchens and bathrooms shall be provided with windows not less than three square feet in area with not less than one-half of this area available for unobstructed ventilation; or the equivalent in artificial light and mechanical ventilation. When not provided with natural ventilation of the required area, kitchens shall be provided with an exhaust fan. Mechanical ventilation for kitchens and bathrooms shall provide a minimum air change of one hundred (100) cubic feet per minute; and in other spaces, when used, shall provide a minimum of not less than two air changes per hour in the space served.

C. Exit Requirements. Mobilehome units shall have not less than two doors, or one door and one unobstructed emergency exitway. One door shall be located near the front of the unit and one near the rear. An emergency exit-way may be substituted for the rear door when the length of the unit does not permit use of two doors. Locking mechanism for doors shall be of the safety type permitting opening of the door from the inside by the operation of a single knob or lever. When sleeping rooms of a mobilehome unit are arranged so that they have access to only one door of the unit without passing through a passageway that might be blocked by fire, the room shall be provided with at least one outside window which can be opened from the inside without the use of tools and of such design that it may serve as an emergency exit-way if the normal avenues of escape are blocked.

D. Mechanical Requirements. Plumbing, heating, electrical and air conditioning installations shall comply with the standards, if any, prescribed by the state of Illinois.

E. Compliance with Standards. Mobilehome units shall comply in every other instance not set forth above with the standards, if any, prescribed by the state of Illinois.

Units not complying with these standards and requirements shall be classified as "travel trailers" and shall be prohibited in a mobilehome park as defined in this chapter. (Prior code § 23-2-4)

Section 15.56.060 Lot size and yard dimensions, setback and building height.

In the zoning districts where mobilehome parks are permitted, the establishment of such accommodations shall be subject to the following requirements:

A. Minimum Lot Size and Minimum Yard Dimensions. The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the mobilehome park is situated.

1. A mobilehome park shall be located on a tract of land not less than five acres in area, with a minimum width and depth dimensions of four hundred (400) feet.

No mobilehome park shall exceed one hundred (100) individual mobilehome spaces, except by special use permit.

2. Any mobilehome, building, structure shall be located at least twenty-five (25) feet from any front or rear lot line or any side lot line adjacent to a street and at least fifteen (15) feet back from one side yard lot line and ten feet back from the other side yard lot line; provided, that no mobilehome may be located less than forty (40) feet from another mobilehome, building or structure.

B. Individual Mobilehome Spaces. The minimum individual area requirement for mobilehome spaces shall be five thousand (5,000) square feet, with a width of fifty (50) feet and a depth of one hundred (100) feet.

C. Maximum Height. No mobilehome, building or structure within the mobilehome park will exceed the height of twenty-five (25) feet. (Prior code § 23-2-5)

Section 15.56.070 Outdoor living area.

Each mobilehome space or lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. Spaces shall be arranged and mobilehomes parked in such manner that there is an open area of at least four hundred fifty (450) square feet at the rear or side of and as a part of each mobilehome space. (Prior code § 23-2-6)

Section 15.56.080 Dependent mobilehomes.

A dependent mobilehome shall not be located in any mobilehome park within the jurisdiction of the city to be used as a temporary or permanent residence. (Prior code § 23-2-7)

Section 15.56.090 Display title.

All mobilehomes shall display a certificate of title in accordance with the instructions of the Illinois Secretary of State. (Prior code § 23-2-8)

Section 15.56.100 Sale of mobilehomes and lots.

The sale of mobilehomes and lots shall not be impaired by reason of this chapter. (Prior code § 23-2-9)

Section 15.56.110 Transformation of mobilehomes.

No alterations to any mobilehome in such a manner that the mobilehome becomes

immobile and removes it from the requirement of this chapter shall be lawful unless a special use permit is therefore secured. (Prior code § 23-2-10)

Section 15.56.120 Accessory structures, alterations and additions.

No permanent addition shall be built onto or become part of any mobilehome. Temporary structures shall be permitted in accordance with the following provisions and requirements.

A. Accessory structures shall be designed in a manner that will enhance the appearance of the mobilehome development.

B. Cabanas, patios or porches of which at least one side must be open, except for screening for insects.

C. Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobilehome, unless a branch circuit is available in the mobilehome itself.

D. Skirting of a mobilehome shall be required, but such skirting shall not attach the mobilehome permanently to the ground, provide a harborage for rodents, or create a fire hazard. Such skirting so installed shall be of fire resistant materials, and shall be equipped with an inspection door(s).

E. Structures having an area not exceeding ten percent of the square foot floor area of the mobile-home may be entirely enclosed if utilized for storage purposes only.

F. Height shall not exceed the principal building. (Prior code § 23-2-11)

Section 15.56.130 Site requirements.

Any mobilehome park shall be located on a well-drained site, and shall be located so that its drainage will not constitute a hazard or nuisance to the person or property or water supply of other persons. Breeding places for insects or rodents shall not be permitted within a mobilehome park. Mobilehome parks shall not be subject to flooding or ponding, fire or safety hazards. (Prior code § 23-2-12)

Section 15.56.140 Buffer strips.

All mobilehome parks shall be provided with a planting screen of at least twenty (20) feet in depth and height along the property boundary line surrounding the trailer park separating the trailer park and any adjacent zoning district. (Prior code § 23-2-13)

Section 15.56.150 Streets--Generally.

Streets, and other access ways within mobilehome parks shall be private streets and access ways, except that the municipal authorities may accept as city streets, such streets as it deems advisable. All mobilehome parks shall have approved safe and convenient access and exit to existing public street patterns, if any, or to the nearest collector street and/or major thoroughfare if no existing street pattern. Final approval of streets shall be by the city council, in accordance with the applicable street standards as set forth in the subdivision code of the city in existence from time to time. (Prior code § 23-2-14)

Section 15.56.160 Streets--Curbing and guttering.

All streets, drives and access ways shall be bounded by a curb and gutters, and meet the construction and design standards of the subdivision code of the city in existence from time to time. (Prior code § 23-2-15)

Section 15.56.170 Streets--Parking.

No parking shall be permitted on the entrance and exit streets of the development for a distance of one hundred (100) feet from its intersection with an existing public street. (Prior code § 23-2-16)

Section 15.56.180 Street lights.

All mobilehome parks shall have adequate street lighting; the minimum distance between street lights shall not exceed one hundred fifty (150) feet. Such lights shall meet the requirements of the city's street light requirements as set forth in the subdivision code in existence from time to time. (Prior code § 23-2-17)

Section 15.56.190 Sidewalks.

All mobilehome parks shall be provided with safe, convenient, all-season pedestrian access. Sidewalks shall meet the requirements of the subdivision code of the city in existence from time to time. (Prior code § 23-2-18)

Section 15.56.200 Jacks and stabilizers.

Jacks and/or stabilizers shall be placed under the frame of the mobilehome to prevent movement on the springs while the mobilehome is parked and occupied and shall be located on concrete footing as specified in Figure 1 attached to the ordinance codified in this chapter. (Prior code § 23-2-19)

Section 15.56.210 Mobilehome pad requirements.

The mobilehome pad shall be improved to provide adequate support for the placement and tie-down of the mobilehome. The pad shall not heave, shift or settle unevenly under the weight of the mobilehome due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. All mobilehomes shall be placed on a mobilehome pad constructed of Portland cement concrete not less than four inches in thickness. In addition, all mobilehome pads shall be at least ten feet wide by forty (40) feet in length. Expandable sections may be supported by an extension of the mobilehome pad or concrete piers and footings, with a maximum of ten-foot spacing between piers and a pier to be located no more than four feet from the corners of the mobilehome expandable section, or in a manner equivalent thereto and

approved by the city council. (Prior code § 23-2-20)

Section 15.56.220 On-lot parking.

All on-lot parking shall be either on concrete driveways and/or concrete floor with permanent structural carports, providing at least two on-lot parking spaces for each mobilehome. (Prior code § 23-2-21)

Section 15.56.230 Off-lot parking.

There shall be no off-lot parking except on separate visitors parking lots, which shall be separate from the general mobilehome area by a buffer strip of at least twenty (20) feet. Such visitors parking lot may contain only twenty (20) parking spaces. Each parking space must be at least ten feet by twenty (20) feet, and comply with all other off-street parking requirements of the subdivision code of the city in existence from time to time. (Prior code § 23-2-22)

Section 15.56.240 Mail box.

Each mobilehome lot and/or mobilehome shall be provided with its own private and individual mail box. (Prior code § 23-2-23)

Section 15.56.250 Tie-down anchorage requirements.

All mobilehomes shall meet the tie-down requirements of the following table: (See Figure 1 attached to the ordinance codified in this chapter.)

10 and 12 Ft. Wide Mobilehomes			
30 to 50 ft. long			
No. of Frame Ties		No. of Over-The-Top	
(pairs)		Ties	
4		3	
50 to 60 ft. long			
No. of Frame Ties		No. of Over-The-Top	
(pairs)		Ties	
5		3	
12 and 14 Ft. Wide Mobilehomes			
60 to 70 ft. long			
No. of Frame Ties		No. of Over-The-Top	
(pairs)		Ties	

Tie-down components used, including anchor systems, must be able to withstand at least four thousand eight hundred (4,800) pounds without failure. (Prior code § 23-2-24)

Section 15.56.260 Water supply and distribution system.

A. General Requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobilehome park. Where a public supply of water is available at or near the site, connection shall be made thereto and its supply used exclusively. When a public water supply is not available, a private water supply system may be developed and used as recommended by the city engineer(s) and approved by the Illinois Environmental Protection Agency and the city council.

1. Source and Volume of Supply for Private Systems. The water supply shall be capable of supplying a minimum of two hundred fifty (250) gallons per minute for a duration of two hours.

2. The water supply shall be capable of supplying a minimum of three hundred (300) gallons per day per mobilehome.

3. The number of mobilehome spaces to be occupied in the mobilehome park shall be limited to the quantity of water necessary to supply each mobilehome with the minimum requirements.

B. Tests. The operator of a private water supply system shall obtain bi-monthly water quality tests from the Illinois Environmental Protection Agency, and shall forward one copy of that report to the city clerk.

C. Main Size. The water distribution main serving the confines of the mobilehome park shall not be less than six inches in diameter.

D. Connection. The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or siphonage.

E. Pressure. The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds or not more than eighty (80) pounds per square inch, under all normal operating conditions at each mobilehome pad.

F. Separation. Water mains, if installed parallel to sewer lines, shall be separated at least ten feet horizontally from any sanitary sewer, storm sewer or sewer manhole.

G. Individual Water Riser Pipes and Connections.

1. Individual water riser pipes shall be located within the area of the mobilehome pad.

2. Water riser pipes shall extend at least four inches above ground elevation. The pipe diameter shall be at least three-quarter inch. The water outlet shall be capped when a mobilehome does not occupy the lot.

3. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipes.

4. A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile-home space or lot. (Prior code § 23-2-25)

Section 15.56.270 Fire protection.

Fire hydrants shall be located within four hundred (400) feet of any mobilehome, service

building or other structure in the development, and readily accessible to fire-fighting equipment. (Prior code § 23-2-26)

Section 15.56.280 Fire extinguishers.

Two fire extinguishers of the dry chemical ABC designation of at least two pounds shall be provided by the mobilehome operator and placed in each mobilehome or may be a requirement by the operator of the occupants of the individual mobilehome. In no event shall a mobilehome be occupied that does not have this kind of fire extinguisher. (Prior code § 23-2-27)

Section 15.56.290 Pressure.

The water supply system shall permit the operation of a minimum of two one and one-half-inch hose streams. Each of the two nozzles, held four feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least twenty (20) pounds per square inch at the highest elevation point of the development. (Prior code § 23-2-28)

Section 15.56.300 Sewage disposal.

Each mobilehome shall be served by a central sewage collection system and each mobilehome shall be provided with at least a four-inch sewer connection. The sewer connection shall be provided with suitable fittings so that a water-tight, self-draining connection can be made between the mobilehome and the sewer connection. Such individual mobilehome connection shall be so constructed that they can be closed when not linked to a mobile-home and shall be so capped as to prevent any escape of odor or gas. No wastewater shall be allowed to fall on the ground from a mobilehome. The plans and specifications of the sewage collection system shall be approved by the Illinois Environmental Protection Agency and the city council. Septic tank practices shall not be permitted. (Prior code § 23-2-29)

Section 15.56.310 Sewage system connection.

Where a public sewage collection system is within a one thousand (1,000) foot distance, connection shall be made thereto and the public central system shall be used exclusively. An independent central sewage system to serve the mobilehome park shall be permitted only after a permit has been denied to connect into a public sewage collection system, expressed approval has been granted in writing by the city council, and the plans and specifications for the sewage system have been approved by the state of Illinois Environmental Protection Agency and the city council. (Prior code § 23-2-30)

Section 15.56.320 Refuse disposal and pest control.

The storage and collection of refuse in the mobilehome park shall be so managed as to create no health hazard, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers which shall

be provided in sufficient number and capacity to accommodate all refuse from the mobilehome park. Satisfactory container racks or holders shall be provided at permanent locations convenient to mobilehome spaces, in areas appropriately and visually screened.

All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the management shall arrange for or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Refuse disposal shall not be permitted in the mobilehome development site or tract of land. (Prior code § 23-2-31)

Section 15.56.330 Public hazard--Maintenance.

Automobiles which are not in operating condition, junk, trash or other refuse and other matters of a hazardous nature shall not be permitted to be maintained in the mobilehome park. (Prior code § 23-2-32)

Section 15.56.340 Electrical distribution lines and service--Connection.

A. All electrical transmission and distribution lines shall be at least twenty-four (24) inches below ground surface and at least one foot radial distance from sewer, water, gas or communication lines.

B. Connection. Any electrical connection to a mobilehome shall be completely enclosed to protect the individual service from human accidents and rodent damages. Electrical connections for each individual mobilehome space shall be provided and each such connection shall apply two hundred twenty (220) volts A.C. and shall be rated at not less than one hundred (100) amperes. (Prior code § 23-2-33)

Section 15.56.350 Telephone utilities.

All utility lines for telephone services shall be placed underground entirely throughout the mobile-home park; the conduits or cables shall be placed within easements or dedicated public ways, in a manner which will not conflict with other underground services, and shall be at least twenty-four (24) inches below ground surface and at least one foot radial distance from sewer, water, gas or electrical lines and services. (Prior code § 23-2-34)

Section 15.56.360 Fuel storage.

All fuel storage tanks or cylinders shall be permanently installed and securely fastened in place and shall not be located: inside or beneath the mobile-home, or less than fifteen (15) feet from the mobile-home exit-entrance. Fuel storage shall be permitted in tanks or containers mounted on an incombustible frame at the rear of the mobilehome. Fuel containers shall not exceed three hundred (300) gallon capacity unless approved by the city council. (Prior code § 23-2-35)

Section 15.56.370 Fuel system regulations.

A. Natural Gas or Central Butane System Installation. All gas piping installed below ground shall have a minimum earth cover of eighteen (18) inches. Gas mains shall not be installed under any mobilehome.

B. System Shutoff Valve. A readily accessible and identified shutoff valve, controlling the flow of fuel to the central fuel piping system, shall be installed near the point of connection to the main fuel supply point.

C. Mobilehome Lot Shutoff Valve. Each mobilehome lot shall have a city-approved fuel shutoff valve installed upstream of the mobilehome fuel outlet and located on the outlet riser at a height of not less than four inches above grade. Whenever the mobilehome lot outlet is not in use, the outlet shall be equipped with a city-approved cap or plug to prevent accidental discharge of fuel.

D. Mobilehome Connector. Each mobilehome shall be connected to the mobilehome lot outlet by an approved three-quarter-inch mobilehome connector not more than six feet in length. City-approved pipe and fittings may be used between the flexible connector and mobilehome lot fuel outlet when the distance between the mobilehome lot fuel outlet and the mobilehome fuel service connection exceeds that required to make a safe installation with only a mobilehome connector.

E. Fuel Oil Distribution System. Piping installed below ground shall have a minimum earth cover of eighteen (18) inches and all fuel lines shall be provided with a stopcock at the outlet of the fuel container and another stopcock just before the fuel line enters the mobilehome.

F. Vent. Every fuel oil tank shall be vented by a vent not less than one and one-fourth-inch iron pipe size, so designed and installed to prevent entrance of rain or debris.

G. Fuel Oil Connector. Fuel oil connector from the tank to the mobilehome shall be brass or copper tubing or approved flexible metal hose not smaller than three-eighths-inch iron pipe or tubing, and shall be protected from physical damage. (Prior code § 23-2-36)

Section 15.56.380 Requirements for service buildings, recreation buildings and other community service facilities.

The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities.

A. Emergency Sanitary Facilities. If sanitary facilities are not provided in a laundry building, community building or similar facility on a twenty-four (24) hour basis, provision for the use of sanitary facilities shall be made and they shall be available to park residents and guests in emergency situations. The owner shall be responsible for normal maintenance and cleanliness of sanitary facilities provided for the general use of park residents.

B. Permanent Buildings.

1. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

2. All rooms containing sanitary facilities shall:

a. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture resistant material;

b. Have at least one window or skylight facing directly to the outdoors. The

minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them;

c. Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

3. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

4. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture by separate controls and cold water shall be furnished to every water closet and urinal.

5. All buildings shall be located at least fifteen (15) feet from any mobilehome space.

6. Buildings intended to function as central kitchens serving food on a daily basis shall not be permitted. This provision does not apply to the normal use of pavilions or community buildings where the occasional use of such structures or buildings for picnics, parties and related functions occur.

7. Recreational facilities may be provided and/or installed, such as swimming pools, tennis courts, volleyball courts, picnic areas, etc., provided all such facilities are maintained in excellent condition with respect to the health, safety and welfare of the mobilehome park occupants, and their allowed guests, in accordance with the appropriate ordinances of the city, if any. (Prior code § 23-2-37)

Section 15.56.390 License.

No person shall establish, maintain, conduct or operate any new mobilehome park after the adoption of this chapter without first obtaining a license therefor from the city clerk. Such license shall expire at midnight on December 31st of each year, and the license shall be renewed from year to year upon payment of the annual license fee. The licensee shall pay the city clerk on or before January 1st of each year the annual license fee which shall be set by city ordinance from time to time. Licenses issued for less than one year shall be pro rated on a monthly basis. Any fee once paid shall not be refunded. Licenses issued under this chapter are not transferable. (Amended during 1997 codification; prior code § 23-2-38)

Section 15.56.400 Responsibility of management.

A. A person or persons to whom a license for a mobilehome park is issued shall provide adequate supervision to maintain the development in compliance with this chapter, as well as other applicable codes or ordinances of the city. The management shall further notify the residents of the development of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

B. The management shall supervise the placement of each mobilehome on its mobilehome stand which includes securing its stability and installing all utility connections.

C. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The community shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth of all descriptions.

D. The management shall post a twenty (20) mile per hour speed limit within the private streets and ways of the mobilehome park. (Prior code § 23-2-39)

Section 15.56.410 Registration of occupants.

A. Duties of Custodian or Manager. Each mobilehome park shall be provided with a custodian's office. The custodian or manager shall register each mobilehome entering the park, give the occupants a copy of the park rules and instruct the occupants in fire extinguisher operating techniques. Registration shall be on forms approved by the city. A register shall be kept current daily and shall include: the name and address of every occupant in the mobilehome, the license number and state of the vehicle towing the mobilehome into the park, the occupant's automobile license number and a statement indicating the exact location at which such mobilehome was last parked, including the state, city, town or village where such parking occurred.

B. Registration Records. The above-mentioned register shall be signed by an adult occupant of the mobilehome. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor and punishable under the general statutes of the state of Illinois for such offense. The registration records shall be neatly and securely maintained and no registration records shall be destroyed until six years have elapsed following the date of registration. The register shall be available at all times for inspection by law enforcement officers. (Prior code § 23-2-40)

Section 15.56.420 Inspections of mobilehome park.

The mobilehome park enforcement officer is directed to make at least two inspections per year per mobilehome park to determine satisfactory compliance with this chapter.

A. The mobilehome park enforcement officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

B. The mobilehome park enforcement officer shall have the power to inspect the register containing a record of all residents of the mobilehome park. (Prior code § 23-2-41)

Section 15.56.430 Responsibility of the mobilehome resident.

It shall be the duty of every resident of the mobilehome park to give the management thereof or his designated agent access to any part of such mobilehome development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter. (Prior code § 23-2-42)

Section 15.56.440 Violations--Penalties.

Any person, firm or corporation violating the provisions of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day in which any violation of this chapter occurs. (Prior code § 23-2-43)

Chapter 15.60**FLOOD HAZARD PROTECTION REGULATIONS****Sections:**

15.60.010	Purpose.
15.60.020	Definitions.
15.60.030	Duties of the building inspector.
15.60.040	Base flood elevation.
15.60.050	Development permit.
15.60.060	Preventing increased damages.
15.60.070	Protecting buildings.
15.60.080	Other development requirements.
15.60.090	Variances.
15.60.100	Disclaimer of liability.
15.60.110	Violation--Penalty.

Section 15.60.010 Purpose.

This chapter is enacted pursuant to the police powers granted to this city by Illinois Revised Statutes, Chapter 24, Sections 1-2-1, 11-12-12, 11-30-2, 11-30-8 and 11-31-2 in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To protect human life and health from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and,
- F. To make federally subsidized flood insurance available for property in the city by fulfilling the requirements of the National Flood Insurance Program. (Ord. 819 § 1, 1990)

Section 15.60.020 Definitions.

For the purposes of this chapter, the following definitions are adopted:

"Base flood" means the flood having a one-percent probability of being equalled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood. The base flood elevation at any location is as defined in Section 15.60.040.

"Building" means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days.

"Development" means any manmade change to real estate, including:

- 1. Construction, reconstruction or placement of a building or any addition to a building valued at more than one thousand dollars (\$1,000.00);
- 2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel-trailer on a site for more than one hundred eighty (180) days;
- 3. Installing utilities, construction of roads, or similar projects;

4. Construction or erection of levees, walls, fences, bridges or culverts;
5. Drilling, mining, filling, dredging, grading, excavating or other nonagricultural alterations of the ground surface;
6. Storage of materials; or
7. Any other activity that might change the direction, height or velocity of flood or surface waters.

Development does not include maintenance of existing buildings and facilities such as re-roofing; re-surfacing roads; or gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees.

"Flood" means a general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"Floodway" means that portion of the SFHA required to store and convey the base flood. The floodway for the SFHAs of the Mississippi River and Carr and Palmer Creeks shall be as delineated on the Flood Insurance Rate Map applicable to the city. The floodway for each of the remaining SFHAs of the city shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository.

"FPE" or "flood protection elevation" means the elevation of the base flood plus one foot at any given location in the SFHA.

"Riverine SFHA" means any SFHA subject to flooding from a river, creek, intermittent stream, ditch or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

"SFHA" or "special flood hazard area" means the lands within the jurisdiction of the city that are subject to inundation by the base flood. The SFHAs of the city are generally identified as such on the Flood Insurance Rate Map of the city prepared by the Federal Emergency Management Agency and dated September 5, 1990. The SFHAs of those parts of unincorporated Monroe County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map prepared for Monroe County by the Federal Emergency Management Agency and dated April 5, 1988. (Ord. 819 § 2, 1990)

Section 15.60.030 Duties of the building inspector.

The building inspector, with the advice and counsel of the city engineer when needed, shall be responsible for the general administration and enforcement of this chapter, including but not limited to the following duties:

- A. Ensure that all development activities within the SFHAs of the jurisdiction of the city meet the requirements of this chapter;
- B. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- C. Ensure that construction authorization has been granted by the Illinois Department of Transportation, Division of Water Resources for all development projects subject to Section 15.60.060, and maintain a record of such authorization;
- D. Maintain a record of the as-built elevation of the lowest floor (including basement) of all buildings subject to Section 15.60.070;
- E. Maintain a record of the engineer's certificate and the as-built floodproofed elevation of all buildings subject to Section 15.60.070(C);
- F. Inspect all development projects to ensure they comply with the provisions of this chapter;

G. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program;

H. Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and as-built elevation and floodproofing data for all buildings constructed subject to this chapter. (Ord. 819 § 3, 1990)

Section 15.60.040 Base flood elevation.

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the State Water Survey.

A. The base flood elevation for the SFHAs of the Mississippi River, Carr Creek and Palmer Creek shall be as delineated on the one hundred (100) year flood profiles in the Flood Insurance Study of the city prepared by the Federal Emergency Management Agency and dated September 5, 1990.

B. The base flood elevation for each SFHA delineated as an AH zone or AO zone shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the city.

C. The base flood elevation for each of the remaining SFHAs delineated as an A zone on the Flood Insurance Rate Map of the city shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository. When no base flood elevation exists, the base flood elevation shall be the one hundred (100) year flood depth calculated according to the formulas presented in Depth and Frequency of Floods in Illinois published by the U.S. Geological Survey, 1976.

D. The base flood elevation for the SFHAs of those parts of unincorporated Monroe County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city shall be as delineated on the one hundred (100) year flood profiles in the Flood Insurance Study of Monroe County prepared by the Federal Emergency Management Agency and dated April 5, 1988. (Ord. 819 § 4, 1990)

Section 15.60.050 Development permit.

No person, firm, corporation or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the building inspector. The building inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

A. The application for a development permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 15.60.070.

B. Upon receipt of an application for a development permit, the building official shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not located in the SFHA and therefore not subject to the requirements of this chapter. The building official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation

existed prior to the date of the site's first Flood Insurance Rate Map identification.

C. The building inspector shall inform the applicant of any and all other local, state and federal permits that may be required for this type of development activity.

The building inspector shall not issue the development permit unless all required federal and state permits have been obtained. (Ord. 819 § 5, 1990)

Section 15.60.060 Preventing increased damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

A. Within the floodway identified on the Flood Insurance Rate Map applicable to Columbia, Illinois, the following standards shall apply:

1. Except as provided in subsection A(2) of this section, no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the base flood elevation. The specific development activities identified in subsection B(2) of this section shall be considered as meeting this requirement.

2. No increase in the base flood elevation may be permitted unless:

a. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than 1.0 foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;

b. A permit has been issued by the Illinois Department of Transportation, Division of Water Resource as required in subsection B(1) of this section; and

c. For all projects involving channel modifications or fill (including levees), the city shall submit sufficient data to the Federal Emergency Management Agency to revise the regulatory flood data.

B. Within all other riverine SFHAs, the following standards shall apply:

1. In addition to the other requirements of this chapter, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to Illinois Revised Statutes, Chapter 19, Sections 52 et. seq.

2. The following activities may be constructed without the individual permit required in subsection B(1) of this section in accordance with Statewide Permits issued by the Illinois Department of Transportation, Division of Water Resources, provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this chapter:

a. The construction of wells, septic tanks and underground utility lines not crossing a lake or stream;

b. The construction of light poles, sign posts and similar structures;

c. The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

d. The construction of properly anchored, unwall, open structures such as playground equipment, pavilions and carports;

e. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten feet in any dimension (e.g., animal shelters and tool sheds); and

f. The construction of additions to existing buildings which do not increase the first floor area by more than twenty (20) percent, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters.

3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than 1.0 foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages.

C. Public Health Standards in All SFHAs.

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 15.60.070(B)(4).

2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight. (Ord. 819 § 6, 1990)

Section 15.60.070 Protecting buildings.

A. In addition to the damage prevention requirements of Section 15.60.060, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

1. Construction or placement of a new building valued at more than one thousand dollars (\$1,000.00);

2. Structural alterations made to an existing building that increase the floor area by more than twenty (20) percent, or the market value of the building by more than fifty (50) percent;

3. Reconstruction or repairs made to a damaged building that are valued at or more than fifty (50) percent of the market value of the building before the damage occurred;

4. Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

5. Installing a travel trailer on a site for more than one hundred eighty (180) days.

B. This building protection requirement may be met by one of the following methods. The building official shall maintain a record of compliance with these building protection standards as required in Section 15.60.030.

1. A residential or nonresidential building may be constructed on permanent land fill in accordance with the following:

a. The fill shall be placed in layers no greater than one foot deep before compaction.

b. The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPE.

c. The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

2. A residential or nonresidential building may be elevated in accordance with the following:

a. The building or improvements shall be elevated on crawl space, walls, stilts, piles or other foundation provided:

i. The walls have permanent openings no more than one foot above grade; and

ii. The walls and floor are not subject to damage by hydrostatic pressures

associated with the base flood.

b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

c. All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.

3. Manufactured homes and travel trailers to be installed on a site for more than one hundred eighty (180) days shall be:

a. Elevated at or above the FPE in accordance with subsection (B)(1) or (2) of this section; and

b. Anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to Illinois Revised Statutes, Chapter 111 1/2, Sections 4401-4406.

4. Only a nonresidential building may be floodproofed in accordance with the following:

a. A registered professional engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the affects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.

b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Ord. 819 § 7, 1990)

Section 15.60.080 Other development requirements.

The city council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall meet the requirements of Sections 15.60.060 and 15.60.070. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (Illinois Revised Statutes, Chapter 109, Section 2).

B. Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water Survey for review and approval as best available elevation data. (Ord. 819 § 8, 1990)

Section 15.60.090 Variances.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the building inspector for a variance. The building inspector

shall review the applicant's request for a variance and shall submit its recommendation to the city council. The city council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

- A. No variance shall be granted unless the applicant demonstrates that:
 - 1. The development activity cannot be located outside the SFHA;
 - 2. An exceptional hardship would result if the variance were not granted;
 - 3. The relief requested is the minimum necessary;
 - 4. There will be no additional threat to public health or safety or creation of a nuisance;
 - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities or other public facilities; and,
 - 6. The provisions of Section 15.60.050(C) are met.
- B. The building inspector shall notify an applicant in writing that a variance from the requirements of Section 15.60.070 that would lessen the degree of protection to a building will:
 - 1. Result in increased premium rates for flood insurance up to amounts that may be as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage;
 - 2. Increase the risks to life and property; and
 - 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of Section 15.60.070 requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places for the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of subsection A(1) through (5) of this section. (Ord. 819 § 9, 1990)

Section 15.60.100 Disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 819 § 10, 1990)

Section 15.60.110 Violation--Penalty.

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation the building inspector may determine that a violation of the minimum standards of this chapter exist. The building inspector shall notify the owner in writing of such violation.

A. If such owner fails after ten days notice to correct the violation:

1. The city may make application to the Circuit Court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter.

2. Any person who violates this chapter shall upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00).

3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

B. The building inspector shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

C. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 819 § 11, 1990)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.)

Chapter 15.64

HISTORIC SITE PRESERVATION

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Section 15.64.009A	Article 1. General Provisions

Section 15.64.010 Purpose.

The purpose of this chapter is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Columbia, Illinois by:

- (A) Providing a mechanism to identify and preserve the historic and architectural characteristics of the City of Columbia, Illinois which represent elements of the City's cultural, social, economic, political, and architectural history.

(B) Promoting civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks and historic districts.

(C) Stabilizing and improving the economic vitality and value of the City's landmarks and historic areas.

(D) Protecting and enhancing the attractiveness of the City to home buyers, visitors, and shoppers, thereby supporting business, commerce, and industry, and providing economic benefit to the City.

(E) Fostering and encouraging preservation and restoration of structures, areas, and neighborhoods, and thereby preventing future urban blight.

(Ord. 777 § 1 (part), 1989: prior code § 41-1-1)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.010)

Section 15.64.020 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“ADDITION”. Any act or process which changes one or more of the exterior architectural features of a structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

“ALTERATION”. Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

“AREA”. A specific geographic division of the City.

“BUILDING”. Any structure created for the support, shelter, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.

“CERTIFICATE OF APPROPRIATENESS” (“COA”). A certificate from the Columbia Historic Preservation Commission authorizing plans for alterations, construction, removal, or demolition of a designated landmark, structure, or site within a designated historic district.

“COMMISSION”. The Columbia Heritage and Preservation Commission.

“COMMISSIONERS”. Voting members of the Columbia Heritage and Preservation Commission.

“COUNCIL”. The City Council of the City of Columbia, Illinois.

“DEMOLITION”. Any act or process that destroys in part or in whole a designated landmark or a structure or site within a designated historic district.

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“DESIGN GUIDELINE”. A standard or appropriate activity that will preserve the historic and architectural character of a structure or area.

“EXTERIOR ARCHITECTURAL APPEARANCE”. The architectural and general composition of the exterior of a structure, including, but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

“HISTORIC DISTRICT”. An area designated as a historic district by ordinance of the City Council, which may contain within definable geographic boundaries one or more landmarks, and which may have within its boundaries other properties or structures that, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

“LANDMARK”. Any building, structure, or site which has been designated as a landmark by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the City.

“OWNER OF RECORD”. The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

“REHABILITATION”. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

“REMOVAL”. Any relocation of a structure on its site or to another site.

“REPAIR”. Any change that does not require a building permit, that is not construction, relocation, addition, or alteration.

“STRUCTURAL CHANGE”. Any change or repair in the supporting members of a building, structure, roof, or exterior walls which would expand the building in height, width, or bulk.

“STRUCTURE”. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae including supporting towers, swimming pools, satellite dishes, solar panels, and wind generation.

“UNREASONABLE ECONOMIC HARDSHIP”. The condition whereby failure to issue a requested Building Permit, Demolition Permit, or Sign Permit on a landmark, or an improvement or area within a Historic District, which would amount to a taking of the owner’s property without just compensation or, in the case of low-income owner(s), failure to issue such a permit would place an onerous and excessive financial burden upon such owner(s).

(Ord. 777 § 1 (part), 1989: prior code § 41-1-2)

(Ordinance No. 2900, Amended, 10/17/2011, Section 15.64.020 Definitions - UNREASONABLE ECONOMIC HARSHIP - Changed "with" to "without"; Ord. No. 2437, Amended, 02/06/2006, Section 15.64.020)

Section 15.64.029A Article 2. Columbia Heritage and Preservation Commission

Section 15.64.030 Composition.

The Columbia Heritage and Preservation Commission (hereinafter referred to as the "Commission" or the "CHPC") shall consist of nine (9) voting members, residents of the City of Columbia, Illinois, or persons owning real property located in the City of Columbia, Illinois, appointed by the Mayor with the approval of the City Council. The residency requirement may be waived for not more than three (3) members who, in the opinion of the Mayor and the City Council, possess special knowledge or expertise in historic preservation or local history.

(Ord. 1467 § 1 (part), 1996: Ord. 777 § 1 (part), 1989: prior code § 41-2-1)

(Ordinance No. 2482, Repealed & Replaced, 08/07/2006, Repealed Ordinance No. 2437 enacted 02/06/06 entitled "An Ordinance to provide for Preservation of Historic Sites & replaced with Ord. No. 2483 - 08/07/06.; Ordinance No. 2483, Amended, 08/07/2006, Section 15.64.030 Residency requirement waived for not more than three (3) members.; Ord. No. 2437, Amended, 02/06/2006, Section 15.64.030)

Section 15.64.040 Qualifications of members.

The members of the CHPC shall be appointed on the basis of expertise, experience, or interest in the areas of architectural history, building construction or engineering, finance, historical and architectural preservation, neighborhood organization, or real estate (especially as same pertains to Historic Districts in the City). All members shall be provided with Columbia Historical Society Memberships, however Two (2) members shall be members of the Columbia Historical Society selected by said Columbia Historical Society to represent the Society on the CHPC and the remaining seven (7) Members shall be from the community at large (that is to say, not appointed to the Commission to represent any other special interest group, association, board, commission or society).

(Ord. 777 § 1 (part), 1989: prior code § 41-2-2)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.040)

Section 15.64.050 Terms of appointment.

Members of the CHPC shall be appointed for terms of two (2) years. Of those members first taking office, four (4) shall be appointed for one (1) year and five (5) for two (2) years. Alternate members may be appointed to serve in the absence of, or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Appointments of alternates or to fill vacancies shall be by the Mayor with the approval of the City Council. Members shall serve without compensation.

(Ord. 1467 § 1 (part), 1996: Ord. 777 § 1 (part), 1989: prior code § 41-2-3)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.050)

Section 15.64.060 Officers.

(A) Officers shall consist of a Chairperson, Vice-Chairperson, and a Secretary elected by the Commission, who shall each serve a term of one (1) year and shall be eligible for re-election, but no members shall serve as an officer for more than three (3) consecutive years.

(B) The duties of the Chairperson shall be (a) to preside over meetings and (b) to disqualify any member for excessive absences. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. If both are absent, a temporary Chairperson shall be elected by those present.

(C) The Secretary to the Commission shall have the following duties:

- (1) Take minutes of each Commission meeting.
- (2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Commission to the members of the Commission.
- (3) Give notice as provided herein or by law for all public hearings conducted by the Commission.
- (4) Advise the Mayor of vacancies on the Commission and expiring terms of members.
- (5) Prepare and submit to the City Council a complete record of the proceedings before the Commission on any matter requiring Council consideration.

(Ord. 777 § 1 (part), 1989: prior code § 41-2-4)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.060)

Section 15.64.070 Meetings.

(A) A quorum shall consist of a majority of the members. All decisions or actions of the Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

(B) Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year, or at any time upon the call of the Chairperson. There shall be a minimum of one (1) meeting per month.

(C) No member of the Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

(D) No changes to the regulations contained in this Chapter or any other action shall be taken by the Commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until the owner shall first have had the opportunity to be heard at a public hearing to be held by the Commission, as hereinafter provided. The Chairperson, and in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses.

(E) All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Commission (being the office of the City Clerk, until the Commission may designate otherwise) and shall be a public records.

(Ord. 777 § 1 (part), 1989: prior code § 41-2-5)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.070)

Section 15.64.080 Powers and duties.

The CHPC shall have the following powers and duties:

- (A) To adopt its own procedural regulations.
- (B) To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas in the City.
- (C) To investigate and recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, or architectural value as landmarks.
- (D) To investigate and recommend to the City Council the adoption of ordinances designating areas having special historic, community, or architectural value as historic districts.
- (E) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation.
- (F) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
- (G) To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation,

rehabilitation, and reuse, and on procedures for inclusion on the state or national register of historic places.

(H) To inform and educate the citizens concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.

(I) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic districts, and issue or deny Certificates of Appropriateness for such actions. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions.

(J) To develop specific guidelines for the alteration, demolition, construction, or removal of landmarks or property and structures within historic districts.

(K) To review proposed zoning amendments and applications for special use permits or variances that affect proposed or designated landmarks and historic districts. Such review shall be made prior to the date of the hearing by the City Plan Commission or the Zoning Board of Appeals.

(L) To administer on behalf of the City any property or full or partial interest in real property, including a conservation right as that term is used in the Illinois Revised Statutes, Chapter 30, Section 401, et. seq., which the City may have or accept as a gift or otherwise, upon designation by the City Council.

(M) To accept and administer on behalf of the City, upon designation by the City Council, such gifts, grants, and money as may be appropriate for the purpose of this chapter.

(N) To call upon available City staff members as well as other experts for technical advice.

(O) To testify before all boards and commissions, including the City Plan Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant property and landmarks.

(P) To periodically review the City zoning code and to recommend to the City Plan Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

(Q) To recommend that the Mayor certify this chapter with the Illinois Historic Preservation Agency and with the Secretary of the United States Department of the Interior, in order to qualify Historic Structures under the Federal "Economic Recovery Tax Act of 1981", Sections 212 and 214 and under the Illinois "Revenue Act of 1939", as amended.

(R) To maintain a registry of historic sites.

(Ord. 777 § 1 (part), 1989: prior code § 41-2-5)
(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.080)

Section 15.64.089A Article 3. Landmark Designation

Section 15.64.090 Surveys and research.

(A) The CHPC shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization, and compile appropriate descriptions, facts, and photographs.

(B) The Commission shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

(1) The potential landmark is one identifiable neighborhood or district geographical area of the City.

(2) The potential landmarks associated with a particular person, event, or historical period.

(3) The potential landmarks of a particular architectural style or school, architect, engineer, builder, designer, or or of a particular craftsman.

(4) Such other criteria as may be adopted by the Commission to assure systematic survey and nomination of all potential landmarks within the City.

(Ord. 777 § 1 (part), 1989: prior code § 41-3-1)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.090)

Section 15.64.100 Criteria.

(A) Nominations shall be made to the CHPC on a form provided by the Commission. A filing fee may be required.

(B) The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the integrity of design, workmanship, materials, location, setting, and feeling, and meets one or more of the following criteria:

(1) Significant value as part of the historic heritage or cultural characteristics of the community, county, state or nation.

- (2) Identification with a person or persons who significantly contributed to the development of the community, county, state, or country.
- (3) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction, or use of indigenous materials.
- (4) Notable work of a master builder, designer, architect, or artist, whose individual work has influenced the development of the community, county, state, or country.
- (5) Unique location or singular physical characteristics that make it an established or familiar visual feature.
- (6) Character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance.
- (7) An area that has yielded or may be likely to yield, information important in history or prehistory.
- (C) A preliminary determination as to whether a property, structure, or area meets one or more of the foregoing criteria shall be made within fifteen (15) days of the filing of a nomination with the Commission.

(Ord. 777 § 1 (part), 1989: prior code § 41-3-2)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.100)

Section 15.64.110 Procedures.

- (A) The CHPC shall schedule a public hearing within sixty (60) days after the filing of an application to the City Council.
- (1) Any person, group of persons, or association, including, but not limited to, the Commission, may request a historic landmark designation by the City Council for any structure, building, or site, or part thereof, within the boundaries of the City, which may have historic or architectural significance as defined by this Chapter. The City Clerk shall supply, upon request, the application forms. Completed forms shall be submitted to the City Council. Forms shall be forwarded to the Commission for its consideration and recommendation.
- (2) Notice of date, time, place, and purpose of the public hearing shall be sent by mail to owners of record and to the nominators as well as to the adjoining property owners, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. A public

notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and summarize how the proposed landmark meets the criteria set forth in Section 41-3-2 hereof.

(3) Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing, to be held within forty five (45) days after preliminary approval of the application.

(4) During the public hearing, the Commission shall review and evaluate the application according to the criteria established by this chapter.

(5) If the CHPC finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(6) A Certificate of Appropriateness (COA) shall be required for alteration, construction, removal, or demolition of a proposed landmark, from the date when the nomination form is presented to the Commission until the final disposition of the request.

(B) A decision shall be made within thirty (30) days following the date of the closing of the public hearing.

(1) Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation, and all available information for submission to the City Council within thirty (30) days.

(2) If the Commission decides that the landmark should be designated, it shall do so by a resolution passed by a majority of the Commission.

(3) The owners of record shall be notified promptly by a letter containing information of the Commission's decision.

(4) A simple majority vote by the City Council is necessary for approval of a landmark designation. If the City Council approves the application for a designation, a notice will be sent to the property owner, the CHPC, the Building Inspector, and the City Clerk, and recorded with the County Recorder of Deeds. If the City Council denies the petition, no petitioner or applicant can refile with the City Council for ninety (90) days.

(5) Buildings designated as historic landmarks shall be subject to issuance of Certificates of Appropriateness.

(Ord. 777 § 1 (part), 1989: prior code § 41-3-3)
(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.110)

Section 15.64.119A Article 4. Historic District Designation

Section 15.64.120 Criteria.

(A) Nominations shall be made to the City Council, with the advice and recommendations of the Commission, on a form to be provided by the City Clerk. A filing fee may be required.

(B) The following criteria shall be utilized by the Commission in making its recommendations to the City Council and by the City Council in making its decision on nominations for designation of historic districts:

(1) The historic district contains one or more landmarks along with such other buildings, places or areas within definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in the district.

(2) The district contains a significant number of structures meeting any of the standards of Section 41-3-2(B).

(3) The district establishes a sense of time and place unique to the City of Columbia.

(4) The district exemplifies or reflects the cultural, social, economic, political, or architectural history of the nation, the state, or the City.

(C) A preliminary determination as to whether a district or an area meets one or more of the foregoing criteria shall be made within sixty (60) days of the filing of a nomination with the Commission.

(Ord. 777 § 1 (part), 1989: prior code § 41-4-1)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.120)

Section 15.64.130 Procedure.

(A) Any person, group of persons, or association, including but not limited to, the CHPC, may present to the City Council a petition requesting that a defined geographic area be designated as a historic district. The City Clerk shall supply, upon request, the application forms. Completed forms shall be submitted to the City Council which shall forward them to the Commission for its consideration and recommendations.

(1) The petition shall contain the names of no less than fifty-one percent (51%) of the property owners; or, if leaseholders, with a five (5) year or longer leasehold interest, are signatories to

the petition, then the petition shall contain no less than fifty-one percent (51%) of the property owners and leaseholders.

(2) Upon receipt of the application, the Secretary of the Commission shall schedule a public hearing to be held within thirty (30) days after preliminary approval of the application.

(3) Notice of date, time, place, and purpose of the public hearing shall be sent by mail to owners of record and to the nominators as well as to the adjoining property owners, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and include a statement summarizing how the proposed district meets the criteria set forth in Section 41-4-1 of this Chapter.

(4) During the public hearing, the Commission shall review and evaluate the application according to the criteria established by this Chapter.

(5) If the Commission finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(B) A decision shall be made within thirty (30) days following the date of the closing of the public hearing.

(1) Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation, and all available information for submission to the City Council within thirty (30) days.

(2) If the Commission decides that the proposed historic district should be designated, it shall do so by a resolution passed by a majority of the Commission.

(3) The owners of record shall be notified promptly by a letter containing information of the Commission's decision.

(4) A simple majority vote of the City Council is necessary for approval of a historic district designation. If the City Council approves the application for designation, a notice will be sent to the property owner, the Commission, the Building Inspector, and the City Clerk, and recorded with the County Recorder of Deeds, that the area has been designated as such, and that building located within the boundaries of the historic district shall be subject to issuance of Certificates of Appropriateness. If the City Council

denies the petition, no petitioner can refile for historic district designation to the City Council for ninety (90) days.

(Ord. 777 § 1 (part), 1989: prior code § 41-4-2)
(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.130)

Section 15.64.139A Article 5. Applications--Certificate of Appropriateness

Section 15.64.140 Applications for nominations of landmarks and historic districts.

APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS. Any person, group of persons, or association, or the Commission may apply to the City Council for the designation of a landmark or historic district. Applications for a nomination shall be filed with the City Clerk. Persons wishing guidance or advice prior to completing an application may contact the City Clerk. At a minimum, the application shall include the following:

- (A) For a landmark:
 - (1) The name and address of the property owner.
 - (2) The legal description and common street address of the property.
 - (3) A written statement describing the property and setting forth reasons in support of the proposed designation.
 - (4) Documentation that the property owner has been notified or consents to the application for designation.
 - (5) A list of significant exterior architectural features that should be protected.
 - (6) An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
- (B) For an historic district:
 - (1) The names and addresses of the property owners.
 - (2) A map delineating the boundaries of the area to be designated.
 - (3) A written statement describing the area and properties within the proposed historic district, and setting forth reasons in support of the proposed designation.
 - (4) A list and photographs of significant exterior architectural features of all properties in the district that should be protected.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-1)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.140)

Section 15.64.150 Certificate of appropriateness required.

(A) A COA issued by the CHPC shall be required before any alteration in the current design or materials of any designated historic landmark or any building, structure, or site, or part thereof, in a designated historic district, when such alteration would be visible from a public right-of-way (including alleys). Even alterations from current condition intended to return a structure to its original or historic condition shall require a COA.

(B) A COA shall not replace, and must be obtained in addition to, all other applicable City permits such as building or demolition permits and zoning clearances.

(C) An exception to the COA requirement shall be made if the applicant shows to the Commission that a failure to grant the permit will cause an imminent threat to life, health, or property.

(D) A COA shall not be required for ordinary maintenance when such maintenance does not result in a change in the design or materials of the building, structure, or site being maintained.

(E) A COA is required for landscaping only if one of the following is true:

a. Another City permit is required (such as landscaping required by zoning for parking lots); or

b. A tree greater than 14 inches in diameter is to be cut down (trees of that size have existed long enough to be considered important elements of the overall environment of a landmark or historic district, and hence are worth protecting); excepting that

c. Governing bodies of cemeteries in the City of Columbia are authorized to make decisions concerning the preservation and removal of any or all trees in their respective cemeteries without requiring a COA (the primary historical assets of any cemetery are the grave markers that bear witness to our predecessors, and while trees, particularly Cedar trees, are part of the iconography of historic cemeteries they can become the implement of destruction to the primary assets of the cemetery.)

(Ord. 1527 § 1, 1996: prior code § 41-5-2)

(Ordinance No. 2922, Amended, 01/03/2012, Amended Ch. 15.64 Historic Site Preservation, Section 15.64.150 (E); under b. added "excepting that" and added item c. ; Ordinance No. 2900, Added, 10/17/2011, Added item (E) with a. and b. under 15.64.150 Certificate of Appropriateness Required; Ord. No. 2437, Amended, 02/06/2006, Section 15.64.150)

Section 15.64.160 Natural destruction or demolition.

- (A) In the case of partial or complete natural destruction or demolition of a site within a historic preservation district, or of a landmark, the owner will be required to obtain a COA from the Commission prior to reconstruction.
- (B) Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:
- (1) The exterior design of the structure prior to damage;
 - (2) The character of the historic preservation district.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-3)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.160)

Section 15.64.170 Application for certificate of appropriateness.

- (A) Every application for a demolition permit or a building permit, including plans and specifications, shall be forwarded by the Building Inspector to the CHPC within fifteen (15) days following receipt of the application by the Building Inspector.
- (B) The application for issuance of a COA must include:
- (1) The street address of the property involved.
 - (2) The legal description of the property involved.
 - (3) A brief description of the present improvements situated on the property.
 - (4) A detailed description of the construction, alteration, demolition, or use proposed, together with any architect drawings or sketches if those services have been utilized by the applicant, and if not, a sufficient description of the construction, alteration, demolition, and use to enable anyone to determine what the final appearance and use of the real estate will be.
 - (5) The owner's name.
 - (6) The developer's name, if different than owner.
 - (7) The architect's name, if any.
 - (8) A filing fee is required.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-4)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.170)

Section 15.64.180 Standards for certificate of appropriateness.

The Columbia Historic Preservation Commission applies general standards derived from the Secretary of the Interior's Standards for Rehabilitation, adopted and supplemented by local standards, to fit specific situations encountered in Columbia. The key to successful rehabilitation is in maintaining characteristic details and the historic fabric of the structure.

The decision to approve or deny an application for a COA shall include, but not be limited to, the following considerations:

- a. A reasonable effort shall be made to use a building, structure, or site for its originally intended purpose, or for a purpose requiring minimum alteration to the premises;
- b. When introducing new exterior elements, materials equivalent to those already existing on the structure should be used;
- c. Buildings should not be made to look either older or newer than they really are by using details from another style or period;
- d. Original materials or details should not be removed from a building when they can be repaired;
- e. The distinctive historic and architectural character of a building should be retained through regular maintenance and repair.

The compatibility of proposed new additions or construction to the original architecture of the landmark or styles within the historic district shall be evaluated against these guidelines and subsidiary considerations as developed by the Commission.

The focus of design guidelines for new construction is on ensuring the compatibility of the new with what already exists in the immediate vicinity. These design guidelines are not intended to dictate style but to set up criteria under which any new designs can be objectively compared with the setting of the particular historical district. It is strongly recommended that owners of buildings consult with the Commission in the early planning stages of a new construction project.

New construction should be compatible with existing structures in the immediate area in the following ways:

- a. Size, height, and setback of structures;
- b. Relationship of the structure to the open space between it and neighboring structures;

- c. Exterior features, such as window sill or header lines, the proportion of window and door openings to the overall façade, and the horizontal or vertical emphasis of major building elements; and
- d. Building materials.

Demolition of historical buildings irreversibly alters the character of the individual site, streetscape, building or district grouping. Demolition of buildings and structures in historical districts or of landmark structures should be a last alternative when all other avenues of protecting historic buildings and structures has been exhausted.

Demolition is not permitted within historical districts or on historic sites unless one of the following conditions exist:

- a. The demolition request is for an inappropriate addition, a nonsignificant portion of a building, or nonsignificant accessory structure, provided the demolition will not adversely affect those parts of a building or buildings which are significant, as determined by the Columbia Historical Preservation Commission; or
- b. The demolition request is for a noncontributing building and the demolition is required by the public safety because of an unsafe or dangerous condition; or
- c. The building official of the City of Columbia certifies that the demolition is required by public safety because of an unsafe or dangerous condition; or
- d. The property owner shows that failure to allow demolition would create an unreasonable economic hardship as defined in Section 15.64.020 of this Chapter of this Code; or
- e. The property owner shows that no reasonable economic return may be gained from the property.

Any vacant lots within a historic district should be sodded or seeded with grass, and the grass kept cut to acceptable standards for a residential neighborhood.

(Ord. 1527 § 2, 1996: prior code § 41-5-5)

(Ordinance No. 2900, Amended, 10/17/2011, Amended Section 15.64.180 Standards for COA (Certificate of Appropriateness); Ord. No. 2437, Amended, 02/06/2006, Section 15.64.180)

Section 15.64.190 Hearing on application for certificate of appropriateness.

- (A) Applications for a COA shall be available from the City Clerk. Applications shall be completed and submitted to the City Clerk, which shall forward them to the CHPC. The Commission shall schedule a public hearing for consideration of the application within fifteen (15) days of receipt of the application. A public notice for consideration of the application shall be

published no less than fifteen (15) days nor more than thirty (30) days before a hearing, in a newspaper of general circulation published in the City.

- (B) If the CHPC finds at the time that the application merits further consideration, then the Commission may table the request until its next regularly scheduled meeting.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-6)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.190)

Section 15.64.200 Issuance of certificate of appropriateness.

- (A) The CHPC shall notify the applicant of their decision within five (5) days after the public meeting. Upon approval of the application, the Commission shall issue a signed COA to the applicant, with copies forwarded to the Building Commissioner / Ordinance Administrator and the City Council. If the application for COA is denied by the Commission, the applicant can request appeal in accordance with the provisions of Sections 15.64.250 and 15.64.260 of this chapter.
- (B) A COA shall be invalid if changes in the plans reviewed by the Commission are necessary in obtaining the building permit, or if the building permit issued for the same work becomes invalid. The COA remains valid for the same period of validity as the building permit.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-7)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.200)

Section 15.64.210 Unreasonable economic hardship--Landmarks and historic districts.

- (A) If, notwithstanding a proposed construction, alteration, removal or demolition may be inconsistent with the criteria of this chapter, failure to grant a COA will involve an unreasonable economic hardship to the applicant, the Commission may grant the COA to allow the performance of work which otherwise would be denied upon its findings that there will not be a substantial detriment to the public welfare nor substantial derogation from the purposes of this chapter.
- (B) In order to enable the Commission to determine Unreasonable Economic Hardship, the applicant shall at the time of the public hearing or meeting at which the application for a COA is considered, produce all relevant information in affidavit form including:
 - (1) Amount paid for property and date of purchase;
 - (2) Recent assessed value, real estate taxes, annual debt service, appraisals obtained in previous years;
 - (3) Listing of offers to sell or rent the property and any offers received to purchase or rent the property;

- (4) Financial information relating to income and expenses on the property over a period of at least five (5) years pending the year of application;
 - (5) Any additional information which fully explains the economic hardship which would result from denial of the COA for the permit.
- (C) If the Commission finds that a proposed construction, alteration, removal or demolition is inconsistent with the criteria of this chapter and issuance of a COA would cause substantial detriment to the public welfare or substantial derogation from the purposes of this chapter, but that denial of the permit would cause an economic hardship for the applicant, the Commission may order a postponement of any action on the application for a period not to exceed six (6) months. During this period, the Commission shall investigate alternatives to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property and improvements. If, by the end of the six (6) month period, the Commission has found what without approval of the proposed work, the property and improvements cannot be put to a reasonable beneficial use or the owner cannot obtain any reasonable economic return, the Commission shall grant the COA for the proposed work. In case a COA is denied, the applicant may, within fifteen (15) working days, appeal the Commission's decision to the City Council. The City Council may affirm, modify or reject the decision, after due consideration of the facts contained in the record submitted to the City Council by the Commission.
- (D) When granting a COA under this section the Commission shall indicate the reasons for issuance, and may prescribe any conditions or limitations that are necessary to minimize the adverse impact of the requested construction, alteration, removal or demolition.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-8)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.210)

Section 15.64.220 Zoning, landmarks and historic districts.

Whenever an application or petition for a zoning map amendment or bulk area variance is submitted to the City's Plan Commission or a special use permit application is submitted to the City's Zoning Board of Appeals or other change is submitted to the appropriate municipal Board for property which is a Landmark or which is within a Historic District in the City, a notice of any public hearing to be held on the application by the Board shall be sent to the CHPC with a copy of the application for the proposed change. The Commission may submit comments, requests and recommendations to the subject Board for its consideration at the hearing.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-9)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.220)

Section 15.64.230 Emergency procedure.

- (A) Whenever the City Council is to consider a resolution or ordinance that would declare a building or structure as unsafe and dangerous, the City Council shall immediately give notice of the pending resolution or ordinance to the Chairman of the Commission. In the event that a Landmark or Historic structure is to be considered by said resolution or ordinance as unsafe or dangerous, the Chairman shall convene a special meeting of the Commission to review the proposed resolution or ordinance and to make recommendations to the City Council prior to final action on the resolution or ordinance by the City Council.
- (B) In the event that a Landmark or Historic structure is determined by the City Council to constitute an imminent threat to the safety of life, health or property, immediate repairs necessary to render the building or structure safe, including demolition, may be undertaken without review by the Commission.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-10)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.230)

Section 15.64.240 Fees.

The CHPC may establish an appropriate system of processing fees for the review of nominations and Certificates of Appropriateness. Such fees will be as indicated in the City's annual fee ordinance as per Title 18 of the Columbia Municipal Code.

(Amended during 1997 codification; prior code § 41-5-11)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.240)

Section 15.64.250 Appeals.

- (A) In the event of a denial of an application for a COA, the CHPC shall notify the applicant in writing of the disapproval and the reasons therefore, and shall recommend changes, if any, in the proposed action that would cause the Commission to reconsider its denial.
- (B) Within fifteen (15) days of receipt of the notification of disapproval, the applicant may resubmit an amended application that takes into consideration the recommendations of the CHPC. The application shall be considered to be withdrawn if no written modification or request for public hearing is received. Within fifteen (15) days of receipt of a written modification, the Commission must either issue the COA or hold a hearing.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-12)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.250)

Section 15.64.260 Findings on appeal.

- (A) The CHPC shall select a reasonable time and place for the hearing of the appeal, and give due notice thereof to the applicant by mailing notice of the hearing, this mailing to be made at least ten (10) days prior to the date of hearing.
- (B) Notice of the time and place of the public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation published in the City.
- (C) The Chairperson shall conduct the hearing. The Commission and the applicant shall have the right to introduce evidence and cross-examine witnesses. A recorded or written transcript of the hearing shall be made and kept.
- (D) The Commission shall vote, announce its decision, make its recommendations, and notify the Building Inspector, City Council and the applicant within five (5) days after the conclusion of the public hearing, unless the time is extended by mutual agreement between the Commission and the applicant.
- (E) In the event of a denial of an application for a COA on appeal by the Commission, the applicant may appeal the decision to the City Council, whose decision in this matter shall be final subject only to judicial review as provided by law.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-13)

(Ord. No. 2437, Amended, 02/06/2006, Section 15.64.260)

Section 15.64.270 Violation--Penalty.

- (A) The Commission may recommend that the City of Columbia, with the approval of the City Council apply to the Circuit Court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter notwithstanding the existence of other remedies. Any such injunction may be issued without notice and without bond.

In addition to other remedies provided by law, appropriate action may be instituted to correct a violation of this chapter, including, but not limited to, requiring the restoration of

property and improvements to their original appearance prior to the violation. If a Court shall find that an act or omission was willful, then the Court may, in addition to any compensation, award damages for the sake of example and by the way of punishment.

Any action to recover for such loss, damage or injury may be brought in a Circuit Court of competent jurisdiction by any person or party (to include a corporation, partnership or other legal entity) who is a resident of or owns property in the City of Columbia, Illinois. In every case of a recovery of damages by any person or party under the provisions of this chapter, the plaintiff shall be entitled to a reasonable attorney's fee to be fixed by the Court, which fee shall be taxed and collected as part of the cost of the case.

- (B) Any person who causes the alteration of any Landmark, or any improvement or area within a Historic District, which said alteration requires a permit from the City, and who does so without obtaining a COA from the Commission, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day that a violation exists shall constitute a separate offense.
- (C) Any person who causes the demolition of any Landmark, or any improvement or area within a Historic District, which said demolition requires a permit from the City, and does so without obtaining a COA from the Commission, upon conviction shall be punished by a fine not less than one hundred dollars (\$100.00) nor greater than seven hundred fifty dollars (\$750.00).
- (D) Any and all monies collected pursuant to the above subsections (B) and (C) of this section shall be deposited in the City Corporate General Fund and may be used and expended for general municipal corporate uses and purposes as the Columbia City Council shall decide.

(Ord. 777 § 1 (part), 1989: prior code § 41-5-14)

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ord. No. 2437, Amended, 02/06/2006, Section 15.64.270)

Section 15.64.280 Waiver of building permit fee.

Waiver of the building permit fee required by Section 15.04.020 of Chapter 15.04 of this code may be granted by the City Council for accurate restoration or authentic recreation of a historically significant building or historically significant other structure, which building or structure satisfies one or more of the criteria established by Section 15.64.100 of Chapter 15.64 of this code governing historic site preservation, provided the City's Building Commissioner determines the proposed construction is an accurate restoration or authentic recreation of a historically significant building or historically significant other structure that exists or heretofore existed on the proposed site. The Building Commissioner shall require the applicant to provide such documentation as the building commissioner reasonably deems necessary to validate the claim of historic significance of the subject building or structure.

Building permit fees shall not be waived for new construction which lacks sufficient proof the construction involves an accurate restoration or authentic recreation of a historically significant building or historically significant other structure, including failure to provide the required documentation to establish historic significance. Building permit fees shall not be waived for remodeling or erecting additions to historically significant buildings or historically significant other structures or for rehabilitation of historically significant buildings or historically significant structures which do not result in authentic restoration of the building or structure.
(15.64.280 (Ord. 2146), Added, 02/17/2003)

Chapter 15.66**ARCHITECTURAL REVIEW BOARD****Sections:**

- 15.66.010 Establishment of Architectural Review Board.**
- 15.66.020 Purpose of the Architectural Review Board.**
- 15.66.030 Jurisdictional Boundaries.**
- 15.66.040 Board Membership.**
- 15.66.050 Board Composition.**
- 15.66.060 Organization.**
- 15.66.070 Meetings.**
- 15.66.080 Review of Applications.**
- 15.66.090 Review Procedure.**
- 15.66.100 Building Permit Issuance.**

Section 15.66.010 Establishment of Architectural Review Board.

An architectural review board (the “board” or “architectural review board”) is hereby established for the purpose of promoting high standards of architectural design and appearance for buildings and structures located in the city in order to promote the general welfare and stability of property values in the city. By virtue of the enactment of this chapter of this municipal code (this “code” or the “architectural review board code”), buildings and structures under the jurisdiction of this code which are located in the city shall be required to conform to certain minimum architectural standards of appearance, design and community conformity. It shall be the responsibility of the architectural review board to review and approve the exterior design and construction of buildings and structures under the jurisdiction of the board and located in the city, in order to avoid and prevent the existence of unsightly, grotesque and unsuitable buildings and structures being allowed to exist in the city which are aesthetically offensive and detrimental to property values in the neighborhood where they are located. By this enactment it is further intended that the community welfare will be promoted and an appropriate development standard will be fostered and encouraged in the community.

(15.66.010, Added, 03/07/2005, Establishment of Architectural Review Board.)

Section 15.66.020 Purpose of the Architectural Review Board.

The purpose of the architectural review board shall be to develop broad architectural design guidelines which developers and individuals will be required to comply with for new construction, rehabilitation and restoration of buildings and structures in the city. The board will be required to review building plans, elevation studies and other required submittals in connection with the issuance of building permits for new construction, exterior renovations and building and structure additions as is required by this code. The board shall pay special attention to insuring adherence to visual integrity in the building development in residential and commercial zoned areas in the city, and to protection of the city’s architectural heritage.

(15.66.020, Added, 04/18/2005, Purpose of the Architectural Review Board ; 15.66.020, Added, 03/07/2005, Purpose of the Architectural Review Board.)

Section 15.66.030 Jurisdictional Boundaries.

All real estate development within the city shall be required to comply with the requirements of this code, except for subdivisions the final subdivision plats for which were approved by the City Council after 1950. For historic buildings rehabilitation, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall establish the general guidelines to be followed by the board concerning landmarks and older buildings in a "historic district" in the city.

(15.66.030, Added, 03/07/2005, Jurisdictional Boundaries.)

Section 15.66.040 Board Membership.

The architectural review board shall be comprised of seven (7) members. Each member should be appointed by the Mayor, with the approval of the City Council. Three (3) members of the initial board shall be appointed by the Mayor to serve for a term of three (3) years each. Two (2) members of the initial board shall be appointed by the Mayor to serve for a term of two (2) years each. The remaining two (2) members of the initial board shall be appointed by the Mayor to serve for an initial term of one (1) year each. Thereafter, board members appointed to succeed members whose terms of office have expired, shall be appointed by the Mayor to serve for terms of three (3) years each. Each member shall serve until a successor is appointed and qualified. In the event of the death, resignation or removal of a board member, a successor board member shall be appointed to serve for the unexpired term of the member whose vacancy in office is being filled. The board members shall serve at the will of the appointing authority and any member may be removed, without cause, by the Mayor, with the consent of the City Council as is made and provided for in Section 3.1-35-10 of the Illinois Municipal Code (65 ILCS 5/3.1-35-10), as amended.

(15.56.040, Added, 03/07/2005, Board Membership.)

Section 15.66.050 Board Composition.

Board membership shall include: one (1) architect, one (1) commercial business owner, one (1) contractor, one (1) landscape architect or designer, one (1) structural engineer, one (1) design professional from the field of urban planning, graphic art, industrial design, or a similar field, and one (1) member to be appointed from the community at large.

(15.66.050, Added, 03/07/2005, Board Composition.)

Section 15.66.060 Organization.

At the initial meeting of the Architectural Review Board, and annually thereafter, the board shall elect from its membership a chairman and a vice-chairman. The vice-chairman of the board shall serve as the chairman of the board in the absence of the chairman. At the annual meeting of the board, the board chairman and vice-chairman shall be elected to serve for a term of one (1) year each. A board member shall be appointed by the board chairman to serve as secretary of the board. The secretary of the board shall keep minutes of the board meetings and proceedings, recording the vote of each member upon all board action requiring the vote of the membership of the board. The minutes shall also indicate the presence or absence of board members at the board meetings. An abstention from voting by a board member shall count with

the majority who voted for or against any matter requiring the vote of the membership of the board. The books, records, minute book, other corporate records and the corporate seal, if any, of the board shall be kept and maintained in the office of the City's City Clerk and shall be public records available for examination by the general public upon proper request.
(15.66.060 , Added, 03/07/2005, Organization.)

Section 15.66.070 Meetings.

Regular meetings of the board shall be on Tuesdays or Thursdays, at the convenience of the board.
(15.66.070, Added, 03/07/2005, Meetings.)

Section 15.66.080 Review of Applications.

SECTION 15.66.080 AMENDED BY ORDINANCE NO. 2856 PASSED & APPROVED MARCH 21, 2011 IS HEREBY AMENDED TO READ AS FOLLOWS (NEW VERBIAGE):

Application to the Architectural Review Board shall be submitted to the Building Commissioner/Ordinance Administrator ("Building Commissioner") with detailed wall elevations and wall sections of all exterior walls, building layout plans of sufficient detail showing the scope of the building, a site plan showing the building location and site improvements and pertinent specifications pertaining to the exterior walls of the building. All submitted documents shall be sealed, stamped and signed by the appropriate professional having responsibility.

The application and accompanying submittals shall be submitted by the Building Commissioner to the Architectural Review Board within fifteen (15) days after receipt of the same by the Building Commissioner for the board's review and recommendation to the City Council. The board shall review each such application for compliance with the requirements of this code and shall make a recommendation to the City Council, for or against issuance of a building permit, within thirty (30) days after the submittal of the application and all required supporting documents to the board. Failure of the board to make its recommendation within the time aforesaid shall be deemed approval of the application as submitted and shall be acted upon by the City Council accordingly. Approval or disapproval of the application by the City Council, with the recommendation of the Architectural Review Board, shall be required before the City's Building Commissioner shall be authorized to issue a building permit.

The Architectural Review Board shall review applications under the board's jurisdiction, upon the applicant having paid to the City Clerk the non-refundable fee, which fee will be established by the City's fee ordinance, and the submission of the application, plans, elevation studies, drawings and specifications to the board by the Building Commissioner. No building permit shall be issued by the Building Commissioner for applications required to be reviewed by the Architectural Review Board until the City Council has made its decision regarding the issuance of the building permit, as is more particularly made and provided for in this code. As soon as the board has received and reviewed the application and applicable plans, elevation studies, detail drawings and specifications pertaining to the proposed construction, exterior renovation or addition, the board shall promptly make its recommendation regarding the issuance of a building permit to the City Council and within the thirty (30) day period aforesaid. The Building Commissioner will inform all applicants for which Architectural Review Board review

is required of the required review process at the time the application is made. Exterior construction, renovation or rehabilitation pertaining to buildings designated as landmarks by the Columbia Heritage and Preservation Commission, shall be reviewed by the Architectural Review Board and the City Council before a building permit is issued. A certificate of appropriateness and recommendation regarding the application will be sent by the Columbia Heritage and Preservation Commission to the Architectural Review Board within fifteen (15) days of the issuance of the certificate of appropriateness by the commission and before the Architectural Review Board will make its recommendation. For board review of construction, renovation or rehabilitation of landmark buildings and structures in the city, the applicant shall not be required to pay any fee for the board's review provided the applicant implements the recommendations of the Architectural Review Board regarding the construction, renovation or rehabilitation involved.

SECTION 15.66.080 (BELOW) IS AMENDED BY ORDINANCE NO. 2856 PASSED & APPROVED MARCH 21, 2011 (OLD VERBIAGE)

Every application for a building permit for a building or structure under the jurisdiction of this code, except for alterations and repairs not affecting the exterior appearance of a building or structure, along with the plans, elevations studies and detailed drawings and specifications, shall be submitted by the Building Commissioner/Ordinance Administrator ("Building Commissioner") to the Architectural Review Board within fifteen (15) days after receipt of the same by the Building Commissioner for the board's review and recommendation to the City Council. The board shall review each such application for compliance with the requirements of this code and shall make a recommendation to the City Council, for or against issuance of the building permit, within thirty (30) days after the submittal of the building permit application and all required supporting documents to the board. Failure of the board to make its recommendation within the time aforesaid shall be deemed approval of the application as submitted and shall be acted upon by the City Council accordingly. Approval or disapproval of the building permit application by the City Council, with the recommendation of the architectural review board, shall be required before the City's Building Commissioner shall be authorized to issue the building permit.

The Architectural Review Board shall review building permit applications under the board's jurisdiction, upon the applicant having paid to the City Clerk the non-refundable fee, which fee will be established by the City's fee ordinance, and the submission of the building permit application, plans, elevation studies, drawings and specifications to the board by the Building Commissioner. No building permit shall be issued by the Building Commissioner for building permit applications required to be reviewed by the Architectural Review Board until the City Council has made its decision regarding the issuance of the building permit, as is more particularly made and provided for in this code. As soon as the board has received and reviewed the building permit application and applicable plans, elevation studies, detail drawings and specifications pertaining to the proposed construction, exterior renovation or addition, the board shall promptly make its recommendation regarding the issuance of the building permit to the City Council and within the thirty (30) day period aforesaid. The Building Commissioner will inform all building permit applicants for which Architectural Review Board review is required, of the required review process at the time the building permit

application is made. Exterior construction, renovation or rehabilitation pertaining to buildings designated as landmarks by the Columbia Heritage and Preservation Commission, shall be reviewed by the Architectural Review Board and the City Council before a building permit is issued. A certificate of appropriateness and recommendation regarding the building permit application will be sent by the Columbia Heritage and Preservation Commission to the Architectural Review Board within fifteen (15) days of the issuance of the certificate of appropriateness by the commission and before the Architectural Review Board will make its recommendation. For board review of construction, renovation or rehabilitation of landmark buildings and structures in the city, the applicant for the building permit shall not be required to pay any fee for the board's review provided the applicant implements the recommendations of the Architectural Review Board regarding the constructions, renovation or rehabilitation involved.

(Ordinance No. 2856, Amended, 03/21/2011, Changed 15.66.080 title from "Review of Building Permit Applications" to "Review of Applications."; Ordinance No. 2856, Amended, 03/21/2011, Amended Section 15.66.080 - Review of Applications.; 15.66.080, Added, 03/07/2005, Review of Building Permit Applications.)

Section 15.66.090 Review Procedure.

**SECTION 15.66.090 REVIEW PROCEDURE AMENDED BY
ORDINANCE NO. 2856 PASSED & APPROVED MARCH 21,
2011 IS HEREBY AMENDED TO READ AS FOLLOWS: (NEW
VERBIAGE)**

The Architectural Review Board shall be required to review and make its recommendation to the City Council upon applications referred to the board within thirty (30) days of the date such application and all required supporting documents (including applicable plans, elevation studies, detail drawings and specifications pertaining to the proposed construction, exterior renovation or addition) are filed with the board by the Building Commissioner, unless the applicant and the board jointly agree to extend the time for board review. For board reviews involving a certificate of appropriateness issued by the Columbia Heritage and Preservation Commission, the time for completion of the Architectural Review Board's review will not commence to run until the board has received the certificate of appropriateness and the recommendation of the Columbia Heritage and Preservation Commission regarding the issuance of the building permit. Board recommendations shall be forwarded to the City Council for action at the next successive regular meeting of the City Council to be held not less than five (5) days after the decision of the board. The City Council shall be required to make its decision regarding the application within thirty (30) days after the Architectural Review Board has made its recommendation regarding the issuance of the building permit. Failure of the City Council to act within the time aforesaid shall be deemed approval of the application and shall authorize the Building Commissioner to issue the building permit, provided the applicant has otherwise complied with City Ordinance requirements for building permit issuance.

SECTION 15.66.090 (BELOW) AMENDED BY ORDINANCE NO. 2856 PASSED & APPROVED MARCH 21, 2011 (OLD VERBIAGE)

The Architectural Review Board shall be required to review and make its recommendation to the City Council upon building permit applications referred to the board within thirty (30) days of the date such application and all required supporting documents (including construction plans, elevation studies, site plans, drawings and specifications, etc.) is filed with the board by the Building Commissioner, unless the applicant and the board jointly agree to extend the time for board review. For board reviews involving a certificate of appropriateness issued by the Columbia Heritage and Preservation Commission, the time for completion of the Architectural Review Board's review will not commence to run until the board has received the certificate of appropriateness and the recommendation of the Columbia Heritage and Preservation Commission regarding the issuance of the building permit. Board recommendations shall be forwarded to the City Council for action at the next successive regular meeting of the City Council to be held not less than five (5) days after the decision of the board. The City Council shall be required to make its decision regarding the building permit application within thirty (30) days after the Architectural Review Board has made its recommendation regarding the issuance of the building permit. Failure of the City Council to act within the time aforesaid shall be deemed approval of the application and shall authorize the Building Commissioner to issue the building permit, provided the applicant has otherwise complied with City Ordinance requirements for building permit issuance.

(Ordinance No. 2856, Amended, 03/21/2011, Section 15.66.090 Review Procedure amended.; 15.66.090, Added, 03/07/2005, Review Procedure.)

Section 15.66.100 Building Permit Issuance.

For building permit applications that require a recommendation of the Architectural Review Board and City Council action, the Building Commissioner shall promptly issue the requested building permit for applicants that are approved by the City Council provided the applicant has otherwise complied with City Ordinance requirements for building permit issuance. For applications which are approved by the City Council subject to applicant making modifications to the building plans, the applicant must make the required modification in the applicant's building plans before the building permit will be issued by the Building Commissioner. For applications which are disapproved, no building permit will issue until the applicant makes a new application which is approved by the City Council, after the recommendation of the Architectural Review Board. For all applications denied, or approved subject to modification, the City Council shall advise the Building Commissioner and the applicant, in writing, as to the Council's decision on the building permit application; the Architectural Review Board's recommendation regarding the application; and, the reasons for the denial or required modification."

(15.66.100, Added, 03/07/2005, Building Permit Issuance.)

Chapter 15.68**UNENCLOSED REFUSE CONTAINERS OR DUMPSTERS****Sections:**

- 15.68.010** **Entities, enclosures and size.**
- 15.68.020** **Required screening.**
- 15.68.030** **Enclosure size.**
- 15.68.040** **Enclosure location.**
- 15.68.050** **Enclosure construction.**
- 15.68.060** **Enclosure maintenance.**
- 15.68.070** **Exceptions.**
- 15.68.080** **Non-conforming refuse containers or dumpsters.**
- 15.68.090** **Penalty.**

Section 15.68.010 Entities, enclosures and size.

All entities using and/or occupying multi-family and nonresidential buildings located within the city shall visibly screen, physical cover and enclose all refuse containers greater than or equal to one cubic yard in size which are located on the outside of any building on a real estate lot in the city.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68. All entities using and/or occupying multi-family and nonresidential buildings located within the city shall visibly screen, physical cover and enclose all refuse containers greater than or equal to one cubic yard in size which are located on the outside of any building on a real estate lot in the city. (Ord. 1841 § 1 (part), 2000)

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.020 Required screening.

A. All such refuse containers or dumpsters shall be screened if in the absence of screening they shall be visible to:

1. Persons located within any dwelling unit or residential property other than where the refuse container is located;
2. Persons located within any multi-family dwelling unit on which the refuse container is located;
3. Occupants, customers, or other invitees located within a building on nonresidential property other than where the refuse container is located;
4. Persons traveling on any public street, sidewalk or other public way.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68.

A. All such refuse containers or dumpsters shall be screened if in the absence of screening they shall be visible to:

- 1. Persons located within any dwelling unit or residential property other than where the refuse container is located;**
- 2. Persons located within any multi-family dwelling unit on which the refuse container is located;**
- 3. Occupants, customers, or other invitees located within a building on nonresidential property other than where the refuse container is located;**
- 4. Persons traveling on any public street, sidewalk or other public way.**

B. An evergreen plant landscape screen may be used in lieu of a wooden or masonry fence to screen or buffer the refuse container or dumpster required by this chapter as follows:

1. The planting is spaced at three feet on center and is a minimum of four feet high at the time of planting. (See "Dumpster Enclosure Landscaping Screen Examples-March 10, 2001") attached as an Appendix to the ordinance codified in this chapter.

2. The evergreens are trimmed only on the exterior. The intent is for the evergreens to grow together providing a plant screen.

3. One of the following three species of evergreen is used:

- a. Hetz Column Juniper (*Juniperus Chenensis* "Hetzii Columnaris").**
- b. American Arborvitae (*Thuja occidentalis* "Emerald Green").**
- c. Hicks Yew (*Taxus x media* "Hicksii").**

4. The landscaping is to be expediently maintained by replacing dying or dead trees.

5. Evergreens are to be maintained at a height range of seven feet to nine feet at maturity.

6. Gates are required if the enclosure meets the requirement of this section.

7. Pads shall be as stated in Section 15.68.060 of this chapter. (Ord. 1960 § 1, 2001; Ord. 1841 § 1 (part), 2000)

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.030 Enclosure size.

A. Refuse enclosures shall be a minimum of six (6) feet in height. The enclosure must be two (2) feet higher than the refuse container it holds.

B. Refuse enclosures shall have a minimum of three (3) feet of spacing from the side of the container to the side of the enclosure.

C. Gate openings shall be a minimum of four (4) feet larger than the refuse container width.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND

APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68.

Enclosures should be of adequate size to allow for removal and replacement of refuse containers by trash haulers. (Ord. 1841 § 1 (part), 2000)

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.040 Enclosure location.

- A. All refuse containers shall be accessible for collection service vehicles.
- B. The servicing area shall not be located within the right-of-way of an public street or alley or located within a private street, access lane or any other travelway for vehicular traffic.
- C. Refuse enclosures shall not be located in the required front yard.
- D. All refuse enclosures shall be located behind the front building line or behind the front of the primary structure, whichever is the greatest distance from the front property line.
- E. Refuse enclosures shall be located a minimum of five (5) feet from any property line.
- F. Refuse enclosures shall not be located within any easements of record.
- G. Refuse enclosures shall not be located within designated fire lanes and the gates shall swing clear of designated fire lanes.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68. ***Neither enclosures nor refuse containers or dumpsters shall be located in any required front yard, public right-of-way or public property (except parks, playgrounds, and municipal-owned property where the public authority elects to provide for the same). (Ord. 1841 § 1 (part), 2000)***

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.050 Enclosure construction.

- A. A site plan with construction plans or photos of proposed enclosure shall be submitted to obtain an enclosure permit for existing buildings and developments or reconstruction of an existing enclosure. New building or development construction may include the enclosure details in the information submitted for a building permit.

- B. Enclosures may be constructed of wood, vinyl, cmu (concrete block), brick or stone.
 - a. Other optional materials are chain link or vinyl coated chain link fencing. Chain link fencing shall have privacy slats installed for visual screening.
 - b. Metal material is optional in industrial areas.
 - c. It is encouraged to have the materials utilized in the enclosure match the primary building materials.
- C. Gates shall be designed so as to swing out to an angle greater than 90 degrees.
- D. Enclosures shall be constructed of materials and equipment which complies with the Columbia Building Codes.
- E. Pads, approaches and access lanes for dumpster enclosures shall be constructed of a minimum six inches (6") of concrete on four inches (4") of crushed stone or four inches (4") of asphaltic concrete on six inches (6") of crushed stone.
- F. Gates shall be reinforced with a minimum of two inch (2") diameter steel tubing or equal material in strength going around the perimeter of the inside of the gate with a cross member of the same material running diagonally within the perimeter material to provide lateral bracing.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68. Enclosures shall be constructed of materials compatible with that of the principal building on the premises as reviewed and approved by the zoning administrator. Enclosures shall be constructed of materials and equipment which complies with the Columbia Building Codes. (Ord. 1841 § 1 (part), 2000)

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Codes to Columbia Building Codes.)

Section 15.68.060 Enclosure maintenance.

- A. Enclosures and gates shall be maintained in good working order and free of defects.
- B. Gates on enclosures shall be closed when not being serviced.
 - 1. The opening and closing of the gates for servicing shall be the responsibility of the property owner, the lessee of the building and/or property or the tenant.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68. *Enclosures shall be maintained, free of deterioration, which will be kept in a slightly and sanitary condition so as not to pose a threat to the health and safety of the public. Pads and approach aprons shall be designed and constructed to support such containers and dumpsters and to withstand use by trash haulers without the pads breaking or cracking. (Ord. 1841 § 1 (part), 2000)*

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.070 Exceptions.

- A. Single family residential totes or garbage cans shall be exempt for the required screening.
- B. Temporary refuse containers or dumpsters allowed by temporary dumpster permits are exempt from the required screening.
- C. Temporary refuse containers utilized for special events and for less than three (3) days are exempt from screening requirements.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68. *Requests for special exceptions or variances from strict compliance with the requirements of this chapter based upon undue hardship or practical difficulty caused by strict compliance with the requirements of this chapter shall be submitted to the city's zoning board of appeals for their review and approval. (Ord. 1841 § 1 (part), 2000)*

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.080 Non-conforming refuse containers or dumpsters.

- A. Dumpster enclosures constructed, upgraded or reconstructed after the adoption of the revisions to this chapter shall meet the requirements set forth in this chapter.
- B. Existing refuse enclosures deemed in good condition shall be exempt from complying with the revisions to this chapter.

THE FOLLOWING WAS AMENDED BY ORDINANCE 3112 PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68 IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER 15.68. *Currently existing and non-conforming refuse containers or dumpsters may remain and be on a real estate lot in the city until October*

31, 2000, (being six months from the date of the adoption of this chapter of the city' s municipal code) and not thereafter. (Ord. 1841 § 1 (part), 2000)

(Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Section 15.68.090 Penalty.

Any person, firm, or corporation violating or refusing to comply with any provision of this chapter of the City's Municipal Code shall be fined not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed to have been committed on each day during or on which the violation occurs or continues.

**THE FOLLOWING WAS AMENDED BY ORDINANCE 3112
PASSED AND APPROVED 7/21/2014 BY DELETING CHAPTER 15.68
IN ITS ENTIRETY AND REPLACING WITH A REVISED CHAPTER
15.68. Any person, firm, or corporation violating or refusing to comply
with any provision of this chapter of the city' s municipal code shall be
fined not less than seventy-five dollars (\$75.00), nor more than seven
hundred and fifty dollars (\$750.00) for each offense; and, a separate
offense shall be deemed to have been committed on each day during or on
which the violation occurs or continues. (Ord. 1841 § 1 (part), 2000)**

(Ordinance No. 3180, Amended, 04/20/2015, Amended Fines.; Ordinance No. 3112, Amended, 07/21/2014, Amended Ch. 15.68 by deleting Ch. 15.68 in its entirety and replacing with a revised Ch. 15.68.)

Chapter 15.69

STORAGE TRAILERS

Sections:

15.69.010 Storage trailers prohibited on real estate lots.

15.69.15.70 Purpose

15.69.020 Nonconforming storage trailer.

Section 15.69.010 Storage trailers prohibited on real estate lots.

Trailers used for purposes of storage shall not be allowed to stand or be located on any real estate lots in the city, except as follows:

A. When the trailer is being used in construction of a building being constructed on the lot, in which event it shall be removed from the lot within fourteen (14) days after the completion of construction of the building. Completion of construction of the building is to be determined by the zoning administrator.

B. When the trailer is being used for a special promotion, it may be located on a lot in the city, but not to exceed thirty (30) days from the date of the issuance of a permit therefor. The permit shall be issued by the zoning administrator.

C. When the lot owner is issued a special use permit therefor under the city' s zoning code. (Ord. 1842 § 1 (part), 2000)

Section 15.69.15.70 Purpose

Section 15.69.020 Nonconforming storage trailer.

Nonconforming storage trailer means any trailer used for storage located on a real estate lot in the city which is in violation of the requirements of this chapter of the city' s municipal code. A nonconforming storage trailer may remain and be maintained on a real estate lot in the city by ordinary repairs until the 30th day of April, 2001 (being one year from the date of the adoption of this chapter of the city' s municipal code); provided and only if:

A. It is not altered or enlarged in such a way as to increase its nonconformity;

B. It meets the zoning requirements of the zoning district it is located in;

C. It is being used as an accessory use to the principal building on the premises and if the use of the principal use of the building on the premises for which the trailer is an accessory use is discontinued, the trailer must be removed;

D. It will not be replaced after incurring damage in an amount exceeding fifty (50) percent of its market value at the time of loss as determined by the zoning administrator;

E. It must meet the anchorage and tie down requirements of the city' s building code; and

F. If the use of the storage trailer is discontinued for a continuous period of six months, the storage trailer must be removed. (Ord. 1842 § 1 (part), 2000)

Chapter 15.70**REGULATION OF DUMPSTERS AND P.O.D.S (PORTABLE ON DEMAND STORAGE) UNITS****Sections:**

- 15.70.010 Deposit of dumpsters in traffic rights-of-way**
- 15.70.020 Dumpster permit.**
- 15.70.030 Barricades required.**
- 15.70.040 Dumpsters and P.O.D.S. (Portable On Demand Storage)**
- 15.70.050 Penalty.**

Section 15.70.010 Deposit of dumpsters in traffic rights-of-way

It shall be unlawful for any person, firm or corporation to cause or permit the location in any public way (or on private rights-of-way subject to use for municipal police protection and/or fire protection in the City) a dumpster of any capacity (a "street-dumpster") without first obtaining a permit therefor from the City Clerk.

(15.70.010 (Ord. 1971), Added, 07/16/2001)

Section 15.70.020 Dumpster permit.

Upon proper application and payment of the street-dumpster permit fee required by the City's fee ordinance, an applicant may be issued a street-dumpster permit allowing the applicant to deposit in a traffic way in the City, (subject to regulation of the location thereof by the City Police Department), for a period of not to exceed fourteen (14) consecutive days. Upon payment of the required permit fee, the street-dumpster permit shall be subject to being renewed and extended for one (1) additional fourteen (14) day term by the City Clerk. A third or subsequent extension of the street-dumpster permit shall require the approval of the City's Zoning Administrator and payment of the required renewal fee; except that, no more than four (4) extensions of the permit shall be allowed without the approval of the City Council.

A copy of each street-dumpster permit issued by the City Clerk shall be provided to the City's Chief of Police and the City's Fire Chief by the City Clerk, as soon as practicable after each such permit is issued, so that those officials will be advised of the issuance of the permit and the proposed location of the street-dumpster to be deposited in a traffic right-of-way pursuant to the permit.

(15.70.020 (Ord. 1971), Added, 07/16/2001)

Section 15.70.030 Barricades required.

Notwithstanding anything allowed and provided for in this Chapter of the City's Municipal Code, no person, firm or corporation shall locate a street-dumpster upon and within a traffic right-of-way in the City which is subject to regulation under this Chapter 15.70 of the City's Municipal Code, except that they shall install and maintain barricades with steady burning lights approved by the City Police Department, at each end of the street-dumpster that encroaches upon and is located within a traffic way.

(15.70.030 (Ord. 1971), Added, 07/16/2001)

Section 15.70.040 Dumpsters and P.O.D.S. (Portable On Demand Storage)

Residential lot owners may maintain a dumpster or p.o.d.s. (portable on demand storage) units on site for up to thirty (30) calendar days after obtaining a permit. If the activities on the property require the use of a dumpster for more than thirty (30) calendar days, a one-time extension of a permit for dumpsters may be granted for up to sixty (60) additional calendar days. As part of the application for the extension of the permit, the applicant shall provide a timetable for completion of the project and shall call out any conditions needed to insure the health, safety and traffic concerns are addressed in a manner as is reasonable and appropriate. Additional extensions past the one time sixty (60) calendar day extension of the permit will require approval by the City Council of the City of Columbia, Illinois. A permit for a dumpster on the same property within a one (1) year period after expiration of a previous dumpster permit will not be allowed except with City Council of the City of Columbia, Illinois approval. Permits for p.o.d.s. (portable on demand storage) units will not be required if on the property for five (5) days or less. P.o.d.s. (portable on demand storage) units will be limited to one permit for thirty (30) calendar days. An extension of the permit for p.o.d.s. (portable on demand storage) units will require approval of the City Council of the City of Columbia, Illinois. The primary responsibility for obtaining the necessary permits shall be the property owner(s) however; a duly authorized representative, purchaser, lessee, devisee or judiciary may be allowed to represent the property owner with proper consent. Dumpsters utilized for construction of new homes shall not require a permit although such dumpsters shall be removed once construction is completed. Fees for dumpster and p.o.d.s. (portable on demand storage) units permits will be as required by the City's fee ordinance.

(Ordinance 3018, Added, 04/15/2013, Added Section 15.70.040 Dumpsters and P.O.D.S. (Portable On Demand Storage) units permits.)

Section 15.70.050 Penalty.

Any person, firm or corporation who violates this Chapter 15.70 of the City's Municipal Code shall be subject to a fine of not less than Seventy-Five Dollars (\$75.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for each violation and each day or part thereof a violation exists shall be deemed to be a separate violation or offense.

(15.70.040 (Ord. 1971), Added, 07/16/2001)

Chapter 15.71

MASONRY COVERAGE REQUIREMENT

Sections:

15.71.010 Definitions.

15.71.020 Masonry coverage requirement.

Section 15.71.010 Definitions.

"Brick" means natural clay-face brick and does not include glazed brick or concrete brick unless otherwise indicated or the context clearly requires otherwise.

"Stone" means stone masonry composed of field, quarried or cast stone units bonded by mortar unless otherwise indicated or the context clearly requires otherwise.

(Ordinance No. 2464, Added, 05/01/2006, Added 15.71.010 Definitions.)

Section 15.71.020 Masonry coverage requirement.

A masonry coverage requirement for single family houses located in the following zoned districts in the city, to wit: R-1 (One-Family Dwelling Zoned District), R-2 (One-Family Dwelling Zoned District), R-3 (One-Family Dwelling Zoned District), R-4 (One-Family Dwelling Zoned District), R-5 (One-Family Dwelling Zoned District), R-6 (One-Family Dwelling Zoned District), and R-7 (Multi-Family Dwelling Zoned District) shall be as follows:

A. In real estate subdivisions the final subdivision plats for which are approved by the city's city council after the 3rd day of January, 2006, the exterior walls of single family dwelling houses constructed in these zoned districts shall be constructed in compliance with the following exterior building materials requirement:

(1) A minimum of three (3) sides (profiles) of the exterior walls of fifty per centum (50%) of the dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city's city council, after considering the recommendation of the city's building commissioner and/or the city's architectural review committee]).

(2) The front façade (the profile of the dwelling house facing the street) of thirty per centum (30%) of the dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city's city council after considering the recommendation of the city's building commissioner and/or the city's architectural review committee]).

(3) The exterior walls of twenty per centum (20%) of the dwelling houses to be constructed on lots located in the subdivision may be constructed of building materials other than face brick, which may include but shall not be required to be limited to stucco, vinyl siding, wood siding, or cement board lap siding.

B. Variations from Masonry Coverage Requirement. Notwithstanding the exterior wall masonry building coverage requirement contained in the preceding subsection A, when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the requirements contained in subsection A above would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the city council shall be empowered to authorize, upon application in regard to such property, a variance from such requirements to allow the dwelling house to be constructed on the property to be constructed of materials other than as is required by said subsection A provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at the time of reference; and, (ii) the proposed materials are authorized by the city council (with the advice and/or recommendation of the city's zoning administrator and/or the city's architectural review committee). In granting a variance to a property owner pursuant to this subsection of this section of this code, economic hardship caused to a property owner resulting from the cost of exterior building wall brick masonry construction as compared to the cost of alternative exterior building wall building material construction authorized and approved by the Columbia Building Codes shall not be a factor to be considered by the city council. Such economic hardship caused to a particular property owner shall not constitute a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the property owner justifying relief from the strict application of the requirements of subsection A above.

AMENDED BY ORDINANCE NO. 2853 PASSED & APPROVED MARCH 7, 2011, Subsection C (General Requirements) of Section 15.71.020 (Masonry Coverage Requirement) of Chapter 15.71 (Masonry Coverage Requirement) of Title 15 (Buildings and Construction) of the Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

C. General Requirements. The exterior wall brick masonry requirement restriction that attaches to each building lot in a subdivision shall be a minimum construction requirement and shall run with the land to which the restriction pertains. After final platting of a subdivision, a restricted lot may be exchanged for an unrestricted lot or less restricted lot in the subdivision as follows:

(1) The city engineer and/or his/her designated representative may approve, in writing or by issuance of a building permit, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or less restricted lot provided the masonry coverage requirements of subsection A above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the lots located within a subdivision to which the masonry coverage requirement applies, the next successive transfer or exchange of masonry coverage requirement for a lot in the subdivision shall require the submittal to and approval by the City Council of the layout of the subdivision plat of record with each lot labeled with the existing and proposed exterior wall brick masonry along with tables for the lots, one each, showing the existing, proposed and combined existing and proposed exterior wall brick masonry for each lot, and a computation of the exterior wall brick masonry designations for the combined existing and proposed exterior wall brick masonry table, before the City Engineer and/or his/her designated representative may continue to approve, in writing, additional future masonry coverage requirement transfers or exchanges for lots in the subdivision; and,

(ii) prior to the issuance of the final building permit for a subdivision to which the masonry coverage requirement applies, the masonry coverage requirement of subsection A above must be depicted on a layout of the subdivision plat of record with each lot labeled with the exterior wall brick masonry and a table showing the existing exterior wall brick masonry for each lot with a computation of the exterior wall brick masonry designations, which shall be approved by the City's City Council.

Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the City's City Council for approval shall state in the notes on the plat that the masonry coverage requirement depicted on the plat is subject to change with the approval of the City Engineer and/or his/her designated representative and/or by replatting of the subdivision approved by the city's city council as is made and provided for in Chapter 17.43 of the City of Columbia, Illinois Zoning Code and this Section 15.71.020 of the City of Columbia, Illinois Building and Construction Code.

AMENDED BY ORDINANCE NO. 2853 PASSED & APPROVED MARCH 7, 2011, Subsection "C" of Section 15.71.020 of Chapter 15.71 is hereby changed and amended (Old Verbiage)

C. General Requirements. The exterior wall brick masonry requirement restriction that attaches to each building lot in a subdivision shall be a minimum construction requirement and shall run with the land to which the restriction pertains. After final platting of a subdivision, a restricted lot may be exchanged for an unrestricted lot or less restricted lot in the subdivision as follows:

(1) The city engineer and/or his/her designated representative may approve, in writing, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or less restricted lot provided the masonry coverage requirements of subsection A above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the lots located within a subdivision to which the masonry coverage requirement applies, the next successive transfer or exchange of masonry coverage requirement for a lot in the subdivision shall require a replatting of the

subdivision before the City Engineer and/or his/her designated representative may continue to approve, in writing, additional future masonry coverage requirement transfers or exchanges for lots in the subdivision; and,

(ii) prior to the issuance of the final building permit for a subdivision to which the masonry coverage requirement applies, all modifications from the masonry coverage requirement of subsection A above must be depicted on an amended final subdivision plat of record, which shall require a replatting of the subdivision to be approved by the city's city council.

The replatting required by the preceding subparagraphs 1 and 2 in order to reflect the change in the masonry coverage requirement for the lots in the subdivision shall involve city council approval of an amended final subdivision plat for the subdivision by the city's city council, as in cases involving city council approval of a minor subdivision plat, and shall not require approval of a preliminary subdivision plat by the city council before city council approval of the amended final subdivision plat.

Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the city's city council for approval shall state in the notes on the plat that the masonry coverage requirement depicted on the plat is subject to change with the approval of the City Engineer and/or his/her designated representative and/or by replatting of the subdivision approved by the city's city council as is made and provided for in this Chapter 17.43 the City of Columbia, Illinois Zoning Code and section 15.71.020 of the City of Columbia, Illinois Building and Construction Code.

(Ordinance No. 2853, Amended, 03/07/2011, Subsection C (General Requirements) of Section 15.71.020 (Masonry Coverage Requirement) of Chapter 15.71 (Masonry Coverage Requirement) of Title 15 (Buildings and Construction) of the Columbia, IL Municipal Code is amended.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Code to Columbia Building Codes.; Ordinance No. 2532, Amended, 02/19/2007, Amended Section C of 15.71.020.; Ordinance No. 2464, Added, 05/01/2006, Added 15.71.020 Masonry coverage requirement.; Ordinance No. 2464, Added, 05/01/2006, Added 15.71.020 Masonry coverage requirement.)

Title 16

SUBDIVISION

Chapters:

16.01	Purpose and Intent.
16.02	Definitions.
16.03	General Regulations
16.04	Minimum Standards of Design.
16.05	Minimum Standards of Improvement
16.06	Variances
16.07	Development Agreements
16.08	Violations and Penalties
16.09	Masonry Coverage Requirement

Chapter 16.01

Purpose and Intent.

Sections:

16.01.010 Purpose

16.01.020 Applicability and exceptions.

16.01.030 Interpretation.

Section 16.01.010 Purpose

For the purpose of present and future development of the City and for the promotion of the public health, safety, comfort, morals, and welfare of persons living within the territory governed, this code and provisions hereinafter contained shall govern the subdividing, resubdividing and platting of lands lying within the area of jurisdiction of the City. The standards herein set forth shall be intended for the purpose of ensuring orderly growth and development, and will be administered to ensure the conservation, protection, and proper use of land, adequate provisions for traffic circulation, utilities and services. The standards shall include the following:

- A. The proper location and width of streets and the proper location of building setback lines, open spaces, recreational areas and public lands.
- B. The avoidance of conditions which would lead to the creation of blighted areas.
- C. The avoidance of overcrowding of population and congestion of vehicular traffic.
- D. Proper grading and improvement of streets, curbs, gutters, sidewalks and provision of water, sewer, stormwater drainage and erosion control.
- E. The provision of adequate space for traffic and utility facilities; for access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth, and area of lots; for adequate light and air; and for a proper distribution of population.
- F. Provision of adequate right-of-way easements such that extensions are continued within subdivisions and may be continued to adjacent lands.

Section 16.01.020 Applicability and exceptions.

- A. Final plat required. No lot, tract or parcel of land within any subdivision, as defined herein, may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this code, and recorded in the office of the County Recorder of Deeds.
- B. Jurisdiction outside corporate boundaries. The City shall exercise its subdivision jurisdiction within 1 1/2 miles from its corporate boundaries in accordance with the adopted Comprehensive Plan, the laws of the State of Illinois, and City subdivision

regulations shall apply within that 1 1/2-mile area. Any plat within that 1 1/2-mile area shall be submitted to the City for its review and approval or disapproval.

- C. The provisions of this code do not apply and no subdivision plat shall be required for the sale or exchange of lots or parcels or parts of lots or parcels of land between the owners of adjoining and contiguous land, provided all of the resulting subdivision lots or parcels shall conform to the requirements of the City's Subdivision Code, the City's Zoning Code, and the other applicable codes and ordinances of the City and the state laws pertaining thereto. However, in the subdivision of land in such sales or exchanges, the owner of the land subdivided shall be required to have a survey plat of the subdivision prepared by an Illinois registered land surveyor and to have it approved by the City Council in order to verify compliance with the City's codes and ordinances and state laws pertaining thereto. Said survey plats shall be required to be recorded with the Recorder of Deeds of the county or counties in which the subdivided land is located and thereafter a copy thereof filed with the City Clerk.
- D. Subdivision plats not required. (1) The provisions of this code do not apply, and no subdivision plat shall be required by this code in any of the following instances:
 - (a) The sale or exchange of parcels of land between owners of adjoining and contiguous land;
 - (b) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which do not involve any new streets or easements of access;
 - (c) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
 - (d) The conveyance of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use; and
 - (e) Conveyances made to correct descriptions in prior conveyances.
- (2) Under Subsection **D(1)(a)** above, where a subdivision plat is not required for the sale or exchange of parcels of land between owners of adjoining and contiguous land, a plat of survey shall be required as is more particularly made and provided for in Subsection **C** hereof.

Section 16.01.030 Interpretation.

This code is intended as minimum requirements to achieve the purpose stated above in § 16.1.1. If any other provision of law relates to any matter covered herein, the regulation providing the higher standards shall apply.

Chapter 16.02

Definitions.

Sections:

16.02.010 Word usage.

16.02.020 Terms defined.

Section 16.02.010 Word usage.

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory; the word "may" is permissive.

Section 16.02.020 Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE OFFICER

The official appointed by the City Council to administer the provisions of this code, or his duly appointed representative(s), such as the City Clerk.

ALLEY

A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of unenclosed porches, terraces and steps.

AREA, NET SITE

The total area within the property lines, excluding external streets.

BARRIER (NATURAL OR ARTIFICIAL)

Any street, highway, river, pond, canal, railroad, levee, embankment or screening by a fence or hedge.

BLOCK

A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green-strips, rural land or drainage channels or a combination thereof.

BUILDING

Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

BUILDING LINE

See "setback line."

CLUSTER DEVELOPMENT

A subdivision development planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of this code and the Zoning Code.

COMPREHENSIVE PLAN

A Comprehensive Plan of the City, whether in whole or in part, as adopted by the Plan Commission, approved by the City Council and duly recorded in the office of the City Clerk. It may consist of several maps, data, and other descriptive matter, for the physical development of the City or any portion thereof; including any amendment, extension, or additions thereof adopted by the Board of Aldermen indicating the general locations for major streets, parks, schools, or other public utilities, zoning districts, or other similar information.

CUL-DE-SAC

A short, minor local street having only one end open for vehicular traffic, and the other end permanently terminated by a turnaround for vehicles.

DENSITY, GROSS

The total number of dwelling units divided by the total project area; expressed as gross dwelling units per acre.

DENSITY, NET

The total number of dwelling units divided by the total project area, less area for street rights-of-way.

DESIGN

The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

DRAINAGEWAY

A watercourse, gully, dry stream, creek or ditch which carries stormwater runoff; which is fed by street or building gutters or by stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

EASEMENT

A grant by the owner of the use of land to a person or persons or the general public for a specified purpose.

FILING DATE

The beginning or starting date that commences after the applicant has filed the last item of required data or information, and has paid the necessary fee(s), for review by the Plan Commission.

FLOOD HAZARD AREA

All land subject to periodic inundation from overflow of natural waterways.

GRADE

The slope of a surface specified in percent and shown on surface profile plans as required herein.

HILLSIDE AREA

An area with an average slope of 20% or more.

IMPROVEMENT

Refers to site grading, street work and utilities (including water, sewer, electric, gas and stormwater) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision; includes the furnishing of or a formal agreement and performance bond to furnish all material, work, equipment and services, including plans and engineering services, staking and supervision, site grading, street work and utilities (including water, sanitary sewer, gas and electric) to be installed by the subdivider on land to be used for public or private streets and easements or other purposes as are necessary for the general use of the lot owners in the subdivision. All such materials, equipment and services shall be provided at the subdivider's cost and expense, unless otherwise specifically provided for by written agreement with the City.

IMPROVEMENT PLANS

The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

LAND USE PLAN

The comprehensive, long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

LOT

A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT AREA

The total horizontal area within the boundaries of a lot, exclusive of any land designated for roadway purposes.

LOT LINES

The boundaries of a lot.

LOT WIDTH

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the building line.

LOT, BUTT

A lot at the end of a block and located between two corner lots.

LOT, CORNER

A lot abutting upon two or more streets at their intersection.

LOT DEPTH

The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

LOT, INTERIOR

A lot whose lines do not abut upon any street.

MASTER DEVELOPMENT PLAN

A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

METES AND BOUNDS

A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

OFFICIAL MAP

The map showing streets, highways, parks and drainage, both existing and proposed. It shall be formally adopted by the City as the Official Map.

OWNER

A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING LANE

An auxiliary lane of a street and primarily used for vehicular parking.

PEDESTRIAN WAY

A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

PERFORMANCE GUARANTEE OR BOND

A surety issued by an insurance company licensed to do business in Illinois, or with other security acceptable to the City, and approved by the City to guarantee installation of any improvement.

PERSON

Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

PLAN COMMISSION

The Plan Commission of the City.

PLANNED UNIT DEVELOPMENT (PUD)

A comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses, provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

PLANS

All of the drawings, including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the City for consideration, approval or disapproval.

PLAT

The maps, drawings, charts, specifications and other documents complying with all applicable provisions of this code which constitute the plan for subdivision.

PLAT, FINAL or FINAL DEVELOPMENT PLAT

The final engineering and architectural detail maps, drawings and supportive material on which the developer's plan of the project area is presented and, if approved, which will be submitted to the County Recorder of Deeds for recording and to the Zoning Official for filing.

PLAT, PRELIMINARY or PRELIMINARY DEVELOPMENT PLAT

Preliminary engineering and architectural maps, drawings, charts and supportive material indicating the proposed layout of the project area.

PROJECT AREA

That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

RESUBDIVISION

See "subdivision."

RIGHT-OF-WAY (R.O.W.)

A strip or parcel of land over which the owner, by dedication or otherwise, has granted or reserved the right of use for streets, alleys or other public ways.

ROADBED

The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

ROADWAY

The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

SETBACK LINE

The line, usually parallel to the front, side or rear lot line, establishing the minimum space to be provided as the front, side or rear yard.

SLOPE

The degree of natural inclination of the existing ground.

SOIL AND WATER CONSERVATION DISTRICT

The County Soil and Water Conservation District.

SPECIFICATIONS

The Standard Specifications for Road and Bridge Construction, prepared by the Department of Transportation of the State of Illinois, as adopted and amended by said Department, which are in effect at the time the area is being subdivided. Any term in such specifications referring to state departments or officials or to persons

contracting with the state shall be deemed to refer to applicable departments, officials, or persons in the City. Any person or his agent, or the employee, or agent of any business entity, known herein as a "subdivider" for the purpose of this code shall be known as a "contractor" for purposes of making and entering into contracts as contemplated within the meaning of this code and pursuant to the requirements set forth in Article VI hereof, even though said subdivider (contractor) may enter into agreements to be completed by independent contractors.

STREET

A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

STREET, AREA SERVICE HIGHWAY

Area service highways interconnect collectors and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide direct access to major traffic generators, provide secondary service to smaller communities, may provide access to abutting property, and have a medium-volume design capacity and travel speeds.

STREET, ARTERIAL

A street designed or utilized primarily for high vehicular speeds or for heavy-volume traffic on a continuous route, with intersections where needed, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

STREET, BUTT OR STUB

A street that is temporarily terminated, but is planned for future continuation.

STREET, COLLECTOR

Collector streets interconnect the principal street system with land-access streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate-volume design capacity and travel speeds.

STREET, CUL-DE-SAC

A short land-access street having only one end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

STREET, DEAD-END

Land-access streets similar to culs-de-sac, except that they provide no turnaround

circle at their closed end.

STREET, LAND-ACCESS

Land-access streets provide access to abutting properties, have a relatively short travel distance, and have a low-volume design capacity and travel speeds (as local streets).

STREET, LOCAL

A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes (as land-access streets).

STREET, LOOPED

Land-access streets having two open ends, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

STREET, MARGINAL-ACCESS OR SERVICE ROAD

A land-access street parallel and adjacent to area service highways providing access to abutting properties.

STRUCTURE

Anything constructed which requires permanent or temporary location on or in the ground or is attached to something having a permanent or temporary location on or in the ground.

SUBDIVIDE

See "subdivision."

SUBDIVIDER

Any person dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

SUBDIVISION

All property development, whether residential, commercial, or otherwise, and whether located on a unitary tract of property or on land divided into two or more lots, tracts or parcels of property divided for the purpose of immediate or future sale, rental or building development or use, other than agricultural use or production. This chapter shall apply to any developments other than agricultural developments, whether a subdivision is required or not under the law, statutes, ordinances or regulations of the State of Illinois or other governmental bodies or agencies having jurisdiction or control, and regardless of whether the same is labeled a "subdivision" or not. It is the intent of this code to apply to all types of development under the subdivision control jurisdiction of the City. The establishment or dedication of a public street, alley or way through a tract of land shall also be deemed a subdivision.

The term "subdivision" shall also include resubdivision of land.

SUBDIVISION, MINOR

Property development, whether residential, commercial, or otherwise, located on a unitary tract of property or upon two, but not more than six, lots, all of which front on an existing street, not involving any new streets or other rights-of-way, easements and improvements, or other provisions for public area and facilities.

TRAVEL WAY

That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

YARD, FRONT

A yard extending across the full width of the lot, the depth of which is set forth in the Zoning Code.

YARD, REAR

A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

YARD, SIDE

A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

ZONING CODE

The Zoning Code of the City.

Chapter 16.03**General Regulations****Sections:**

16.03.010	General procedure.
16.03.020	Preliminary plat.
16.03.030	Notice of meeting.
16.03.040	Review by City Council; time constraints.
16.03.050	Filing of approved preliminary plat with City Clerk and public utility service providers.
16.03.060	Rights and privileges of subdivider.
16.03.070	Preliminary plat requirements.
16.03.080	Improvement plans.
16.03.090	Developer to submit copies.
16.03.100	Review by City Engineer.
16.03.110	Variances.
16.03.120	Review by City Council.
16.03.130	Applicant's rights and privileges.
16.03.140	Improvement plan requirements.
16.03.150	As-built drawings.
16.03.160	Prohibited variances.
16.03.170	Final plat.
16.03.180	Review by Plan Commission.
16.03.190	Review by City Engineer.
16.03.200	Review by City Council.
16.03.210	Final plat approval or disapproval.
16.03.220	Final plat requirements.
16.03.230	Additional data required.
16.03.240	Requirements for filing; official filings.
16.03.250	Illegal plats.
16.03.260	Minor subdivisions.
16.03.270	Subdivision review fees.
16.03.280	Time of payment.

Section 16.03.010 General procedure.

- A. Before preparing a proposed plat for an area, the owner, developer, or his or her representatives should meet with the Plan Commission and/or the City Planner, the City Engineer and the Aldermen in charge of building permits to determine all applicable ordinances, regulations, and standards which must be complied with. This will allow initial reactions to the plans and problems may be solved, which could save the owner, developer or his or her representatives a great deal of time, effort, etc. After the preapplication meetings, the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data is submitted. The preliminary plat is received with filing fees by the City Clerk's office, which, in turn, will forward the same to the Plan Commission for its review. Following its review (as well as comments from other appropriate agencies), the Plan Commission forwards its recommendation(s) to the City Council, which then either approves, disapproves, or

approves with modifications the preliminary plat.

- B. After the preliminary plat has been approved, the developer may then proceed with the preparation of improvement plans, provided, of course, he chooses to improve the area prior to actual construction of the contemplated buildings (streets, sewer and water systems, etc.). These improvement plans should be detailed engineering plans, specifications, and drawings showing the exact location of all improvements to be provided, and are submitted to the City Clerk, who submits same to the City Engineer. The City Engineer reviews the improvement plans and makes his recommendations to the City Council. If details provided in improvement plans indicate the need to change the preliminary plat (as street locations, easements, etc.), a new preliminary plat must be submitted for review and consideration as noted above.
- C. After the Council has approved the improvement plans, the developer may commence installation of the improvements. If improvements are installed prior to the submission of a final plat, surety bonds will not be required. However, if, upon inspection, installed improvements are not accepted, final platting cannot commence and eventual construction of buildings will not be allowed until deficiencies are rectified and/or the developer posts bond with the final plat to cover the cost of providing these improvements. If the developer wishes to submit improvement plans with a final plat, surety bonds must be posted for all improvements to be provided.
- D. The final plat, again with detailed data as defined in this code, must conform to the approved preliminary plat as well as to improvement plans if same were submitted previously. The final plat is a legal and surveying document designed primarily to record in the County Recorder of Deeds' office the exact boundaries and locations of parcels of land. The final plat is submitted to the City Clerk's office, which forwards it to the Plan Commission and the City Engineer, if necessary. The Plan Commission checks the final plat to ensure that it complies with the preliminary plat and improvement plans and forwards its recommendation to the City Council. If the City Council approves the final plat, the Mayor of the City first ensures that all surety bonds are deposited (if required) and then approves the plat. The plat must then be recorded by the developer before said developer may proceed, including therein the selling of any lots.

Section 16.03.020 Preliminary plat.

- A. Any owner, developer or his or her representative desiring to submit a preliminary plat for the subdividing of a tract of land shall file four copies of a preliminary plat with the City Clerk's office. The preliminary plat shall contain all pertinent facts and materials necessary to substantiate the conformance to the minimum standards of design as herein defined.
- B. The City Clerk shall, after having recorded the required fee, forward said preliminary plat to the Plan Commission for its review. The Plan Commission shall review the preliminary plat within a reasonable time, not to exceed 60 days from the date of filing said plat with the City Clerk's office, or the filing of the last item of

required data, whichever is later, unless such time is extended by written mutual consent, and shall determine whether the preliminary plat shall be forwarded to the City Council, in writing, recommended approved, disapproved, or approved subject to certain conditions and/or modifications.

Section 16.03.030 Notice of meeting.

The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

- A. Any person requesting notification of the meeting.
- B. Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk's office when filing the plat.
- C. Any governmental or taxing body which requests notification of the meeting.

Section 16.03.040 Review by City Council; time constraints.

The City Council shall review the preliminary plat, along with the Plan Commission recommendations, and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within 30 days after its next regularly scheduled meeting following receipt of the written Plan Commission recommendations, unless variances from Zoning Code requirements are needed, in which case the Council's 30 days commence the day after the Board of Appeals hearing is held, as required by the Zoning Code.

Section 16.03.050 Filing of approved preliminary plat with City Clerk and public utility service providers.

A minimum of four copies of the City-Council-approved preliminary plat (with the accompanying topographic and profile study that complies with the requirements of this Subdivision Code and the Illinois Plat Act), signed by the Mayor, shall be filed in the office of the City Clerk, and the City Clerk shall provide one copy to the City Attorney, one copy to the City Zoning Administrator and shall return one copy to the subdivider. The subdivider shall mail by certified mail, return receipt requested (which shall be deemed served when mailed if properly addressed with proper postage affixed), or shall have personally delivered to each public utility service provider supplying public utility services in the City (not to include telecommunication service providers) a minimum of one copy of the City-Council-approved preliminary plat (with the accompanying topographic and profile study), and shall file with the City Clerk within 20 days of the subdivider receiving from the City Clerk the approved preliminary plat signed by the Mayor, proof of service of the approved preliminary plat on said public utility service providers. The improvement plans for a subdivision that requires preliminary plat approval shall not be approved by the City Council prior to the subdivider filing with the

City Clerk the required proof of service of the preliminary plat on the public utility service providers.

Section 16.03.060 Rights and privileges of subdivider.

Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

- A. That the preliminary plat will remain in effect for a one-year period from the day the City Council approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the City Council, have final approval of the last part of the plat delayed for a period not to exceed five years from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one block in area.
- B. That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.
- C. The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the City Engineer and approved by the City Council, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance with City improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the City Clerk's office at the time that the final plat is submitted.

Section 16.03.070 Preliminary plat requirements.

Preliminary plats and supportive materials shall include the following:

- A. Proposed name of the subdivision and location.
- B. Small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within 300 feet of the proposed subdivision.
- C. Names and addresses of the owner, subdivider and land planning consultant, and the licensed engineer or registered land surveyor who prepared the preliminary plat.
- D. All lot lines adjacent to and abutting the subdivision.
- E. Layout of lots, showing approximate dimensions and numbers and minimum area,

showing an identifying number for each lot.

- F. Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playground or other public, semi-public or community purposes and the use(s) of the area to be subdivided as shown on the Comprehensive Plan as adopted by the City.
- G. Streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road.
- H. Easements, existing and proposed, showing locations, widths and purposes.
- I. Building setback or front yard lines and dimensions.
- J. Location and size of nearest water main, sewer outlet and other pertinent utilities.
- K. Location, type and approximate size of utilities to be installed.
- L. Tract boundary lines showing dimensions, bearings, angles, and references to known land lines.
- M. The gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use.
- N. Where the topography has a significant bearing upon street grades, the plan of public utilities and drainageways or facilities in the proposed subdivision, elevation contour lines at intervals not greater than five-foot intervals shall be shown. Contour lines shall be shown for all hillside areas and all other areas of significant slope. Contour lines shall also be shown for surrounding undeveloped areas immediately adjoining the proposed development.
- O. Location of major watercourses, ponding areas, natural drainageways and flood hazard areas.
- P. The plat shall be drawn to a scale of 100 feet to one inch; provided, however, that if the resulting drawing would be over 48 inches in the longest dimension, two or more sheets shall be used instead, such that no sheet shall exceed 48 inches in the longest dimension.
- Q. North arrow and date.
- R. Duplication of street names within the City's jurisdiction shall be prohibited.
- S. Whenever a large tract is intended to be developed in stages, and a part of that

tract is proposed for platting, a preliminary plat for the future subdivision of the entire tract shall be submitted, or if approved by the Plan Commission, a final land use plan may be substituted for that area of the tract not yet ready to be platted (See Subsection T below.).

- T. Final land use plan for the entire project area.
- U. A project or project phase development schedule indicating:
 - (1) Approximate date when construction of the project can be expected to begin.
 - (2) The stages in which the project will be built, with identifying land use stage map and the approximate date when construction of each stage can be expected to begin.
 - (3) The approximate completion date of each and every step.
 - (4) The area and location of common or public open space that will be provided at each stage.
- V. A plot plan for each building site, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- W. The term or the text of agreements, provisions, or covenants which will guarantee the conveyance and governance of use, provide proper maintenance, and continued protection of the proposed development and any of its common or open areas or facilities.
- X. Any plans, diagrams, sketches, etc., designed to portray, explain or visually show any of the above requirements.

Section 16.03.080 Improvement plans.

After a preliminary plat has been approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the City Clerk's office for review by the City Engineer.

Section 16.03.090 Developer to submit copies.

The developer shall submit four blue-line prints of the improvement plan to the City Clerk's office, which shall forward three copies of the same to the City Engineer. Improvement plans do not require Plan Commission action.

Section 16.03.100 Review by City Engineer.

The City Engineer shall review the proposed improvement plans and notify both the Plan Commission and the City Council, in writing, with a copy of the improvement plan, of his

recommendation regarding approval, conditional approval, or denial.

Section 16.03.110 Variances.

Variances from regulations and requirements of this code shall be permitted in accordance with Article VI.

Section 16.03.120 Review by City Council.

- A. The City Council shall review the City Engineer's recommended action and approve, conditionally approve or deny in writing to the developer the improvement plans. If the action is one of conditional approval or denial, the City Engineer shall, in writing, as a guideline to the applicant, state the reasons therefor. If the City Council utilizes other denial or conditional approval matters, these also will be forwarded to the applicant in writing.
- B. The subdivider shall mail by certified mail, return receipt requested (which shall be deemed served when mailed if properly addressed with proper postage affixed), or shall personally deliver to each utility service provider supplying public utility services in the City (not to include telecommunication service providers) a minimum of one copy of the City-Council-approved improvement plans within 20 days after they are approved by the City Council and the subdivider receives notice of that approval from the City. The final subdivision plat for a subdivision that requires final subdivision plat approval shall not be approved by the City Council prior to the subdivider filing with the City Clerk the required proof of service of the improvement plans on the public utility service providers.

Section 16.03.130 Applicant's rights and privileges.

- A. Approval means the applicant is now authorized to proceed with the physical improvements in the subdivision, provided the City Council accepts the improvement plans.
- B. Conditional approval means the developer may proceed as outlined in the preceding Subsection A, but only after he has submitted four copies of the corrected improvement plans to the City Clerk, who shall forward three copies of said plans to the City Engineer.
- C. Denial means disapproval of improvement plans. For further consideration, the developer must rework his plans to conform to the requirements, and then resubmit the reworked plans to the City Clerk's office as though they were a completely new set of plans.

Section 16.03.140 Improvement plan requirements.

Improvement plans shall be prepared on an exhibit not to exceed 48 inches and shall

contain the following information:

- A. Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided, plus adjacent streets.
- B. North arrow and graphic scale.
- C. Title block showing name and address of developer and engineering firm, as well as the engineer's seal.
- D. One or more benchmarks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.
- E. List of the standards and specifications followed, citing volume, section, page or other references.
- F. Paving details conforming to City standard specifications.
- G. Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales and storm sewers as required by this code.
- H. Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements required by this code. The plans and profiles shall be drawn at a scale not greater than one inch equals 100 feet horizontal, and one inch equals 10 feet vertical.
- I. Any structural or nonstructural measure proposed to prevent soil erosion and sediment control as required by this code must be shown or included in a statement accompanying the improvement plans.
- J. Existing and proposed survey monuments on street plans or on the proposed final plat as required by this code.

Section 16.03.150 As-built drawings.

As-built drawings (in duplicate) shall be submitted to the City Clerk's office after the improvements have been installed.

Section 16.03.160 Prohibited variances.

Substantial variances from the preliminary plat shall not be permitted. If substantial alterations of an approved preliminary plat are necessary, then a new preliminary plat must be submitted.

Section 16.03.170 Final plat.

Five copies of the final plat shall be submitted to the City Clerk's office. The City Clerk shall then submit one copy each to the Plan Commission and the City Engineer. The final plat shall include all plans and specifications as may be necessary to comply with all the requirements herein and such information as may be necessary concerning the form of guarantee or performance bond(s) to be used. In addition, if the applicant has not previously submitted improvement plans, then they shall be submitted along with the final plat to the City Clerk's office, which shall forward the improvement plan, along with the final plat, to the City Engineer.

Section 16.03.180 Review by Plan Commission.

The Plan Commission shall review the final plat and documentation and transmit its report in writing to the City Council within 30 days of the filing date of the final plat, or 30 days from the date on which the last item of required material is received by the City Clerk's office, whichever is later.

Section 16.03.190 Review by City Engineer.

The City Engineer shall review the final plat and documentation, including the improvement plan if not previously submitted, and transmit his recommendations to the City Council in writing within 30 days of the filing; except that in the case of his first review of the improvement plans, the City Engineer shall have 60 days.

Section 16.03.200 Review by City Council.

The City Council shall review the final plat and shall either approve or disapprove said final plat within 30 days after it receives the required recommendations of the Plan Commission and City Engineer. Approval shall not be granted unless the following conditions are met:

- A. The final plat conforms to the preliminary plat approved previously.
- B. The final plat meets the design standards and engineering specifications and all other requirements set forth herein.
- C. The final plat meets all requirements of the laws of the state.
- D. The subdivider or applicant posts a performance bond or bonds with the City of Columbia, Illinois equal to 125% of the estimated cost of all improvements for construction, maintenance and operation, as the case may be, of all improvements as required by this code or as in addition recommended by the City Engineer and approved by the City Council, but not yet completed at the time of final plat approval by the City Council.

Section 16.03.210 Final plat approval or disapproval.

If the final plat is approved by the City Council by ordinance, the Mayor shall immediately affix his signature to the plat and cause to be attached thereto a notation

that the plat has received final approval of the City Council. The City Clerk shall then attest the signature of the Mayor and affix the City Seal thereto. If the final plat is disapproved, the reason(s) for such action and specific instances where such plat is not in conformance with the requirements herein shall be noted and conveyed in writing to the subdivider or applicant.

Section 16.03.220 Final plat requirements.

- A. The final plat may include all or only a part of the project area portrayed on the preliminary plat which has received approval.
- B. The final plat shall be drawn on new linen tracing cloth, Mylar or other material of comparable stability with waterproof black ink to a scale of not more than one inch equals 100 feet, provided that the resulting drawing does not exceed 18 inches by 24 inches. Two or more sheets may be used, provided that an index drawing is provided on each sheet. Five black or blue line prints shall be provided by the subdivider, along with the original Mylar or linen.
- C. All dimensions shall be shown in feet and decimals of a foot.
- D. The final plat shall be prepared under the active and personal direction of a registered Illinois land surveyor, who shall certify that the plat correctly shows the results of his survey of the boundaries and platting of parcels within the subdivision.

Section 16.03.230 Additional data required.

In addition, the final plat shall portray or present the following plat data:

- A. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than one foot in 5,000 feet.
- B. Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.
- C. Reference to known and permanent monuments and benchmarks from which future surveys may be made, together with elevations of any benchmarks; and the surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.
- D. Accurate metes-and-bounds description of the boundary and the included area of the subdivision to the nearest 1/100 of an acre.
- E. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

- F. Right-of-way lines of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency and central angles.
- G. Name and right-of-way width for each proposed street or other right-of-way.
- H. Location and dimensions of any easement and a statement of purpose for each easement.
- I. Number to identify each lot or site.
- J. Purpose for which sites, other than residential lots, are dedicated or reserved.
- K. Lot dimensions and areas of each lot, and building or setback lines and dimensions.
- L. Location, type, material and size of all monuments and lot markers.
- M. Certification, before a notary public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referenced in all future conveyances of lots in the subdivision; in addition, the dedication and reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat.
- N. Reference to recorded subdivision plats within 300 feet of adjoining platted land by record name, date and number.
- O. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- P. Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and North arrow, graphic scale and date drawn.
- Q. Certification by a registered land surveyor, with registration numbers and seal affixed to all final documents prepared by the surveyor.
- R. Certification of dedication of all public areas.

Section 16.03.240 Requirements for filing; official filings.

- A. No subdivision plat or replat shall be filed for record or recorded in the office of the County Recorder of Deeds unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or replat until it has been approved by the City Council and filed for record in the office of the County

Recorder of Deeds as required by the Illinois Statutes.

- B. For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within 60 days after the City Council has approved the same and the Mayor has affixed his signature thereto. One copy of the final plat shall be given to the City Clerk's office by the County Recorder bearing the official stamp of the County Recorder attesting its recording within 20 days of such action.

Section 16.03.250 Illegal plats.

It shall be unlawful for the County Recorder to accept for recording any plat of a subdivision within the incorporated area of the City and/or the 1 1/2-mile subdivision authority surrounding the City's borders until the plat has been approved by the City as required herein and such approval has been endorsed in writing on the plat.

Section 16.03.260 Minor subdivisions.

Minor subdivisions (as defined in § 16.02.020 of this chapter) may be exempted from the procedures and requirements for preliminary plats and the subdivider may proceed to file the final plat for review. Final plat procedures and requirements shall be as specified in §§ 16.03.220, 16.03.230 and 16.03.240.

Section 16.03.270 Subdivision review fees.

- A. The review fee for the preliminary plat shall be \$25, plus \$5 per lot.
- B. The final plat fee shall be \$50 if there is no variation from the preliminary plat, otherwise \$50, plus \$5 per lot whenever Plan Commission review is required.
- C. Improvement plan review and inspection fees shall be 1% of the total estimated cost for all improvements.
- D. Minor subdivisions, as defined herein, shall be reviewed for the fee of \$50, plus \$5 per lot, whether it be a preliminary and/or final plat.

Section 16.03.280 Time of payment.

All fees listed in § 16.03.270 shall be paid by the developer or the applicant to the City Clerk's office with the submission of the last item of required information in each instance to that office.

Chapter 16.04

Minimum Standards of Design.

Sections:

16.04.010	Conformance required.
16.04.020	Street planning.
16.04.030	Street design requirements.
16.04.040	Additional setback and access requirements.
16.04.050	Easements.
16.04.060	Blocks.
16.04.070	Lots.
16.04.080	Title conveyance.
16.04.090	Acquisition of subdivision property for public use; time constraints.
16.04.100	Prohibited plat approvals.
16.04.110	Erosion and sediment control standards.
16.04.120	Removal of trees and vegetation.
16.04.130	Fences.

Section 16.04.010 Conformance required.

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof.

Section 16.04.020 Street planning.

- A. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to run-off of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. No building shall be allowed in areas within a projected street continuation. In no case shall land be subdivided in such a manner that adjoining property be denied access.
- B. Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way, except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting. Reserve strips of any type shall not be allowed.
- C. All streets in the City shall be public streets dedicated to, owned and maintained by the City except where the City Council of the City shall, by ordinance (which ordinance may include an ordinance approving a final subdivision plat), allow and

permit streets in a subdivision to be and remain private streets to be owned and maintained by a homeowners' association or the owners of the property on which the streets are located. **[Added 2-18-2002 by Ord. No. 2033]**

- (1) Where private streets are allowed by ordinance in the City, the streets must, nevertheless, meet the street design requirements of the Subdivision Code of the City of Columbia, Illinois, from time to time in effect, including § 16.4.3 of the City's Subdivision Code, as from time to time amended.
- (2) Where private streets are allowed by ordinance in the City, the City may require that there be a homeowners' association created to own and maintain the private streets in the subdivision and other common areas in the subdivision and that the right-of-way for private streets in the subdivision be conveyed to and owned and maintained by the homeowners' association. The City may also require that the City has a right to enforce subdivision restrictions applicable to the homeowners' association with regard to maintenance of private streets in the subdivision and that the City and/or the homeowners' association shall have liens against individual properties in the subdivision to enforce subdivision restrictions regarding the maintenance of private streets in the subdivision.
- (3) Blanket easement.
 - (a) Where private streets are allowed by ordinance, the City and public utilities providing municipal and public utility services to a subdivision which has private streets shall be provided and shall have a blanket easement in, over, under, upon, along and across all private streets and private common driveways and parking areas within the subdivision for the operation, maintenance, repair, replacement, and customary servicing of all electricity and telephone lines and of all sanitary sewers, storm sewers and other storm drainage structures and water main systems, and other public utilities, including cable television lines, and for any entity to which the City would grant a franchise to use the easement associated with the private street, which blanket easement may be provided by dedication in favor of the City and all of the involved public utility companies now or in the future receiving a City franchise and their respective officers, employees, and agents, together with related emergency and service vehicles and equipment. The dedication may be by a certificate of dedication imprinted on a final subdivision plat approved by the City.
 - (b) A sample form of blanket easement for inclusion on a dedication (by subdivision plat or otherwise), for a subdivision which has private streets may be as follows:

"A permanent nonexclusive easement is hereby reserved for and granted to the City of Columbia, Illinois (the "City"), and to all public utility companies and other companies of any kind operating under franchise granting them easement rights from the City, including but not limited to Illinois Power Company, Harrisonville Telephone Company, Charter Communications Cable Television Company, and to their successors and assigns, in, on, across, over, under, and through the areas labeled "utility easements" on the attached plat of subdivision for the purpose of installing, constructing, inspecting, operating, replacing, redoing, altering, enlarging, removing, repairing, cleaning, and maintaining electric, gas, telephone, or other utility lines or appurtenances, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections,

catch basins, buffalo boxes, and, without limitation, such other installations as may be required to furnish public or municipal utility services or other franchise services to the attached area, and such appurtenances and additions thereto as the City and utilities may deem necessary, together with the right of access across the lots and real estate included in the attached plat of subdivision for the necessary persons and equipment to do any or all of the above work. The right is also granted to the City and utilities to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to the sewers or, without limitation, utility installations in, on, across, under or through the blanket easements. No permanent buildings or trees shall be placed on the easements, but the easements may be used for streets or other purposes that do not interfere with the aforementioned uses and rights of the City and utilities. If an easement is used for potable water transmission lines, storm or sanitary sewers, other utility installations shall be subject to the prior approval of the City so as not to interfere with the municipal facilities. Any utility that fails to obtain prior approval from the City prior to utility installation may be required by the City to relocate its utility installations at its expense."

Section 16.04.030 Street design requirements.

The following street design requirements shall also be met when planning the street network:

- A. Streets shall intersect, as nearly as possible, at right angles.
- B. Land access street curb intersections shall be rounded by radii of at least 15 feet; intersections involving collector streets shall have radii of not less than 25 feet.
- C. Street jogs with center-line offsets of less than 125 feet are prohibited.
- D. Unless topography indicates a need for a greater length, dead-end streets shall be no longer than 500 feet and shall terminate in a circular open space having a radius at the outside of the pavement of at least 35 feet and a diameter at the outside of the right-of-way of at least 100 feet.
- E. Land-access streets shall be designed so as to discourage through traffic.
- F. No land-access street grade shall be in excess of 12% and no collector street grade shall be in excess of 8%, except as otherwise approved by the City Council due to adverse topographic conditions. For adequate drainage, the minimum grade shall not be less than 1/2 of 1%.
- G. The City Council shall not approve streets which will be subject to frequent inundation or flooding.
- H. Alleys provided shall be at least 15 feet wide and shall be constructed according to City standards. Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be designated to permit safe vehicular movement. A dead-end alley shall have an adequate turnabout facility at its

termination.

- I. Dead-end alleys and private drives shall not be permitted, except that dead-end alleys may be permitted where provided with adequate turnaround facilities at the dead end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.
- J. Alleys, where permitted, shall have a right-of-way of not less than 20 feet.
- K. The minimum rights-of-way and pavement surface width requirements for streets shall be as follows:

Street Classification	Width of Surface (A) (feet)	Width of Right-of-Way (feet)
Arterial street	(B)	(B), (D)
Collector street	(B)	(B), (D)
Local street		
R-1 and R-2 Zoned Districts	30 (C)	50 (D)
R-3 through R-7 Zoned Districts	36 (C)	50 (D)
C-1 through C-3 Zoned Districts	34 (C)	50 (D)
I-1 Zoned Districts	36 (C)	60 (D)
OP-1 Zoned Districts	30 (C)	50 (D)
A-1 and S-1 through S-3 Zoned Districts	34 (C)	50 (D)
BP-1 Zoned Districts	36 (C)	60 (D)
BP-2 Zoned Districts	36 (C)	60 (D)
CP Zoned Districts	36 (C)	75 (D)
Cul-de-sac (turnaround)	70 diameter	100 (D) diameter

Notes:

(A) Measured from the back of the curb to the back of the curb.

Design and construction of arterial and collector streets shall conform to the

- (B) Illinois Department of Transportation Design and Construction Policies, Standards, and Specifications.
 - (C) Where a street is a continuation or extension of an existing street and/or right-of-way, the width thereof shall be of the same or greater width as the existing street and/or right-of-way being extended.
 - (D) A permanent easement on adjoining private property on each side of the road right-of-way shall be provided for utilities, telecommunication services and drainage. The minimum width of said easement shall be 15 feet; except in CP Zoned Districts the minimum easement width shall be 20 feet.
- L. Intersection of more than two streets at one point shall be avoided.
- M. Where the subdivision abuts on or contains an existing or proposed major street, the Commission may require that marginal-access streets be provided in order that no lots front on such existing or proposed major street.
- N. Wherever the Illinois Department of Transportation or the County has gone on record as desiring the relocation and/or construction of a new highway or road, the subdivider shall reserve rights-of-way for the construction of such highways or roads with right-of-way alignments and widths as prescribed by the appropriate jurisdictional agency.
- O. Sidewalks.
- (1) Where sidewalks are required as part of the development, five feet shall be included on each side within the appropriate street right-of-way.
 - (2) Sidewalks are required near schools, shopping areas and similar areas, and where, in the opinion of the City Council, sidewalks would add to the safety of the inhabitants of the subdivision.
- P. Whenever any subdivision adjoins or is traversed by an Illinois highway and/or county road, the Plan Commission, upon the recommendation of the Department of Transportation and/or the County Board, may require the reservation of a service road with minimum right-of-way of not less than 60 feet, in the instance of adjointment, parallel to the highway or road, with connections at locations that are jointly approved by the Plan Commission and the Illinois Department of Transportation or the County Board, whichever has jurisdiction, or in the instance where such highway and/or road traverses the subdivision, not less than 50 feet from the center line of such highway and/or road.
- Q. If any tract of land or any part thereof proposed for subdividing lies adjacent to any highway over which the Illinois Department of Transportation or the County Board has jurisdiction, and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the subdivider shall be required to obtain and submit to the City Clerk's office a written permit from the Illinois Department of Transportation or the County Board, whichever has

jurisdiction, granting permission to construct such access way.

- R. In order to provide adequate traffic circulation and to ensure adequate access to developed areas, collector streets shall be provided at approximately one-half-mile intervals, with the exact right-of-way location to be determined by the Plan Commission.
- S. Portland cement concrete street paving, curbing and guttering shall be required on both sides of public streets in R-2, R-3, R-4, R-5 and R-6 Districts (One-Family Dwelling Zoning Districts) and in R-7 Districts (Multifamily Dwelling Zoning District) in the City. In an R-1 District (One-Family Dwelling Zoning District), public street curbing and guttering shall be of Portland cement concrete construction. The paving may either be of Portland cement concrete construction or of oil-and-chip construction. **[Added 5-3-1999 by Ord. No. 1785]**

Section 16.04.040 Additional setback and access requirements.

If the subdivision is to be developed within 1,000 feet of the center line of an existing or planned highway, with a fifteen-year projected average daily volume in excess of 2,000 vehicles, the Plan Commission, in consultation with the Illinois Department of Transportation, may require the developer to conform with additional setback and access requirements or provide adequate buffering.

Section 16.04.050 Easements.

Easements of not less than 10 feet in width shall be provided on each side of all rear lot lines, and along side lot lines where necessary for storm and sanitary sewers, gas, water and other means and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A two-foot easement shall be required on one side of and adjacent to an alley to accommodate pole lines.

- A. Adequate easements for stormwater drainage shall be established along any natural drainage, channel and in such other locations as may be necessary to provide satisfactory disposal of stormwater from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the City Engineer.
- B. No structure shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any streets, except at the owner's risk as to all costs for demolition, removal, and/or reconstruction, and the proper authorities may have free access to and use of the easements at any time.

Section 16.04.060 Blocks.

No block shall be longer than 1,300 feet or less than 600 feet in length. In addition, the

following requirements shall be met:

- A. All blocks, whenever it is deemed essential by the Plan Commission to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least 10 feet in width near the center of the block.
- B. The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.

Section 16.04.070 Lots.

Lot area and dimensions shall conform to the requirements of the applicable district of the City Zoning Code. In addition, the following requirements shall be met:

- A. Lot dimensions shall conform to the requirements of the applicable district of the Zoning Code.
- B. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- C. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.
- D. All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than being allowed to remain as unusable land.
- E. Lots with double frontage should be avoided where possible. Corner lots and lots with double frontage shall have extra width sufficient to permit the establishment of front building lines on both the adjoining streets.
- F. The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.
- G. Lots shall be graded by the developer so as to provide drainage away from building locations.
- H. In the subdividing of any land, due regard shall be shown and taken for all natural features, such as tree growth, wetlands, steep slopes, watercourses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development. (See also §§ 16.4.11 and 16.4.12.)

Section 16.04.080 Title conveyance.

The owner(s) may convey title to lots in the improved portions of the subdivision, provided that streets, storm and sanitary sewers, and sewage treatment facilities are designed and built to serve the entire area or are initially developed in such a manner that they can easily be expanded or extended so as to serve the entire development.

Section 16.04.090 Acquisition of subdivision property for public use; time constraints.

When a school board, park board or governing body of the county or the City goes on record as desiring to purchase ground in the subdivision for a school, park, or other public purpose, such area shall be reserved for acquisition within a twelve-month period. If, within this twelve-month period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may subdivide, sell, or dispose of said ground.

Section 16.04.100 Prohibited plat approvals.

No plat shall be approved for any subdivision which is subject to flooding as defined in the City Zoning Code, unless said plat conforms to the applicable requirements of said Zoning Code.

- A. No plat shall be approved for any subdivision or part thereof which is subject to periodic flooding or which contains inadequate drainage facilities or which makes adequate drainage of streets impossible. However, if the subdivider agrees in writing to make improvements at his expense which will, in the opinion of the Plan Commission, make the area safe for human occupancy and use and further provide adequate drainage for streets, then the preliminary and final plat may be approved.
- B. Stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered by the Plan Commission for existing or planned surface drainage. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control.
- C. No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, rerouted or filled without written permission from the City Engineer.
- D. Where artificial channels must be constructed to augment the natural drainage system, such channels, as well as the natural drainageways, may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.
- E. The drainage system shall be constructed and operational during construction; or as approved by the City Engineer.
- F. The natural drainage system shall be used, as far as is feasible, for the storage

and flow of runoff.

Section 16.04.110 Erosion and sediment control standards.

The following erosion and sediment control standards shall apply in the subdivision and construction of land areas:

- A. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- B. Natural plant covering shall be retained and protected so far as is consistent with developing the site.
- C. When soil is exposed, the exposure shall be for the shortest feasible period of time.
- D. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- E. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- F. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- G. Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment from runoff waters undergoing development.
- H. Temporary vegetation or, where appropriate, mulching or other nonviable cover shall be used to protect areas exposed during development.
- I. Where the topsoil is removed, the developer shall, either by replacing such topsoil or by planting the first grass seeding, restore the developed area to as near the condition preceding the removal of such topsoil as possible.
- J. Permanent, final plant covering or structures shall be installed as soon as possible.

Section 16.04.120 Removal of trees and vegetation.

With respect to tree removal(s) and conservation of vegetation, all subdivisions shall be planned, designed, constructed and maintained so that:

- A. Existing, healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.

- B. Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of the development site.
- C. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- D. No slash, dead trees, or uprooted stumps remain after development.

Section 16.04.130 Fences.

Fences used for any purpose shall conform to the following:

- A. No barbed-wire or other such sharp-pointed fence and no electrically charged fence shall be erected or maintained in the City.
- B. No permanent fence, retaining wall, or obstruction shall be erected within any public street or alley right-of-way in the City.
- C. No fences shall be permitted in the front yard of a building lot; except:
 - (1) Where the City Council grants to the property owner a variance to permit fences in front yards of building lots, which property the City Council finds to be historically significant; or
 - (2) Where the City Council grants to the property owner a variance to permit replacement of fences located in front yards of building lots.
- D. Where fences are allowed, no fence shall exceed 72 inches in height, and such fences shall be at all times properly maintained.
- E. Fences erected on public easements or across ditches shall be constructed so that drainage shall not be obstructed; and in the event of the necessity for removal of such fences for maintenance of the easement or ditch or for other purposes, removal and/or replacement of such fences or other fence-related improvements shall be the responsibility of the owners of the fences.
- F. In all zoned districts in the City where fences are installed and maintained, the fences shall be so constructed and installed as to create and maintain an open triangular space at the intersection of streets at a corner lot, free from any kind of obstruction to vision between the heights of three feet and 12 feet above the established street grade. The street grade shall be measured at the intersection of the center lines of the intersecting street pavements. The triangular space shall be determined and defined by a diagonal line connecting two points on the back of the curbs where the streets at the intersection have curbs or from outside of pavement where an intersecting street does not have curbs. The two points shall be determined and defined by a prolongation of a line extending from the point of tangency (where a straight line of the curb or street pavement intersects the point

of the curve where the street or curb changes to a radius at the intersection) to intersect a similar prolongation of the curb or street pavement of the intersecting street to the point where the two line extensions intersect. From that point of intersection, the two points for locating the diagonal line are established by measuring back and away from the point of intersection, 15 feet or the distance required to arrive at the point of tangency where the straight line of the curb or street pavement changes to a radius, whichever is the longer distance.

Chapter 16.05

Minimum Standards of Improvement

Sections:

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Section 16.05.010 Improvements required.

- A. Utilities and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements, and nothing contained herein shall prohibit a developer from providing utilities.
- B. No final plat shall be approved for recording unless all the improvements required in this article have been completed and approved prior to such plat approval, or the subdivider shall file a performance guarantee or bond as provided in § 16.05.180.

Section 16.05.020 Reference monuments.

- A. Permanent monuments shall be of stone or concrete, four inches by four inches by 30 inches, with a one-half-inch by thirty-inch iron pipe cast in the center, set in such a manner that they will not be moved by frost. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right-of-way line of the street. All internal boundaries, corners and points must be monumented

in the field by like monuments as defined above. These monuments, two of which must be of stone or reinforced concrete, must be set at the opposite extremities of the property platted, placed at all block corners, at each end of all curves, at the points where a curve changes its radius and at all angle points in any line. All lots must be mounted in the field with two or more monuments.

- B. Lot corners shall be marked by one-half-inch or larger iron pins or pipes not less than 28 inches in length and driven into the ground and shall not protrude above the ground surface more than 1/2 inch.

Section 16.05.030 Street improvements.

All streets shall be constructed as hereinafter provided:

A. Design and construction of new streets.

- (1) All new streets which are created and dedicated for use within a subdivision [except state highways and county roads which are regulated by the Illinois Highway Code, Illinois Compiled Statutes, Article V, Chapter 605 for which there is no jurisdictional relinquishment pursuant to Section 4-406.1 of the Illinois Highway Code (605 ILCS 5/4-406.1) and Section 11-91.2-1 of the Illinois Municipal Code (65 ILCS 5/11-91.2-1, as amended)], shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision, including such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.
- (2) In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation of the State of Illinois ("Standard Specifications"), as the same are in effect at the time the improvement plans for such improvement work are submitted for approval, except as otherwise provided herein.

B. Grading roadway and side slope. The roadway shall not be less than the dedicated street width provided in § 16.4.3K and shall be constructed substantially in accordance with existing City standards.

- (1) Any roadway shall be seeded in accordance with standard specifications. The developer shall assume responsibility for maintaining the roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities, until accepted by and dedicated to the City.
- (2) Alleys shall not be less than 20 feet in width, of which area not less than 15 feet in width shall be paved in accordance with standards and specifications herein provided for local streets, except that such alleys shall not be required to have

concrete curb and gutter.

- C. Grading, excavation and embankment. All excavation and construction embankments shall be in accordance with the Standard Specifications, except as otherwise provided in this section of the Subdivision Code. The embankment or fills shall be placed in six-inch layers and thoroughly compacted.
- D. Combination concrete curb and gutter.
 - (1) Combination concrete curb and gutter complete with reinforcing rods shall be built in accordance with the following diagrams regarding "lip curb," "vertical curb" and "mountable curb":
 - (2) The minimum distance from back of curb to back of curb shall be not less than the minimum width requirements for streets set forth in § 16.3.4K of Article IV, Minimum Standards of Design, of this Subdivision Code.
- E. Street construction standards. All public streets, highways, roads and other public ways located within the corporate limits of the City and which are under the jurisdictional authority of the City (which would exclude state highways and county roads for which there is no jurisdictional relinquishment or sharing agreement) shall be built in accordance with the following minimum standards:
 - (1) Developments which abut roads that extend beyond the corporate limits of the City. The City's street and construction requirement for development of property in the City which adjoins, abuts or incorporates roads or other public ways which extend beyond the corporate limits of the City and which are under the jurisdiction and control of the City within the corporate limits of the City (such as road district and township roads over which the City has access control and maintenance responsibility as a result of property annexations) will be upgraded, realigned and reconstructed according to the following minimum specifications:
 - (a) Sixty-foot-wide right-of-way for street, municipal and public utility and drainage uses and purposes (thirty-foot width on each side of the center line of the right-of-way to be created by dedication from adjoining landowners).
 - (b) Two twelve-foot-wide, paved travel lanes, consisting of a minimum ten-inch aggregate base course with an A-3 surface treatment.
 - (c) Six-foot-wide, gravel surfaced, shoulders adjoining the street pavement, consisting of a minimum eight-inch-thick aggregate base course with an A-2 surface treatment.
 - (d) Drainage ditches of City-Engineer-approved side slopes and width adjoining the gravel road shoulders.
 - (e) Portland cement concrete sidewalk, four inches thick, located on both sides of the roadway (unless a variance is granted by the City Council to allow sidewalks on only one side of the road or to relieve of the obligation to construct and install

sidewalks). The sidewalk shall be located not less than one foot behind the top of the back slope of the ditch.

- (f) Municipal and public utility and drainage easements adjoining the sixty-foot-wide road right-of-way where recommended by the City Engineer and required by the City Council.
- (2) Street construction standards. All streets hereafter constructed within the corporate limits of the City or within the 1 1/2-mile extraterritorial jurisdiction of the City's Subdivision Code which are under the jurisdictional control of the City (except as heretofore stated above in the preceding Subsection **E(1)** of this § 16.5.3, with regard to state, county, township and road district roads) shall be built in accordance with the following minimum criteria:
 - (a) Street pavement shall consist of a six-inch lime modified subgrade or four-inch-thick aggregate base course conforming to Illinois Department of Transportation (IDOT) Standard Specifications. Street surfacing for other than arterial streets and collector streets (including local streets) shall be constructed of Portland cement concrete having a minimum thickness of seven inches and otherwise conforming to IDOT Standard Specifications for Portland cement concrete street pavement. Street surfacing for arterial and collector streets shall be of Portland cement concrete conforming to IDOT Standard Specifications for Portland cement concrete street pavement (including thickness); except that street thickness shall not be less than seven inches, notwithstanding that IDOT standard specifications may be less. Street curbing shall be of Portland cement concrete constructed in accordance with the specifications shown above in Subsection **D** of this section.
 - (b) In residential subdivisions, street, curbing, guttering and sidewalk construction for subdivision streets constructed within the corporate limits of the City and within the 1 1/2-mile extraterritorial jurisdiction of the City's Subdivision Code shall comply with the following minimum standards of construction:
 - [1] In subdivisions zoned for lots of a minimum bulk area of one acre (43,560 square feet) or more, all streets shall have Portland cement concrete curbing and guttering. A Portland cement concrete sidewalk shall be required on at least one side of the street. The street paving may either be of Portland cement concrete construction or consisting of a minimum ten-inch aggregate base course, with an A-3 surface treatment. Street and sidewalk construction shall be in compliance with the City's Subdivision Code, except that street paving may be of oil-and-chip construction.
 - [2] In subdivisions zoned for lots of a minimum bulk area of 25,000 square feet or more but under 43,560 square feet, the public street pavement, curbing and guttering shall be of Portland cement concrete construction, and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.
 - [3] In subdivisions zoned for lots of a minimum bulk area of 16,000 square feet or more but under 25,000 square feet, the public street pavement, curbing and guttering shall be of Portland cement concrete construction, and Portland cement

concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.

- [4] In subdivisions zoned for lots of a minimum bulk area of 10,500 square feet or more but under 16,000 square feet, the public street pavement, curbing and guttering shall be of Portland cement concrete construction and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.
 - [5] In subdivisions zoned for lots of a minimum bulk area of 7,500 square feet or more but under 10,500 square feet, the public street pavement, curbing and guttering shall be of Portland cement concrete construction, and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.
 - [6] In subdivisions zoned for lots of a minimum bulk area of 6,500 square feet or more but under 7,500 square feet, the public street pavement, curbing and guttering shall be of Portland cement concrete construction, and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.
 - [7] In subdivisions zoned for multifamily development lots having a minimum of 3,000 square feet or more per multifamily dwelling buildings for two-family units or more and lots zoned for 1,500 square feet or more per single dwelling unit, the public street pavement, curbing and guttering shall be of Portland cement concrete construction, and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.
 - [8] In subdivisions zoned for C-1 (Neighborhood Business Zoned District), C-2 (General Business Zoned District), C-3 (Highway Business Zoned District), CP (Commercial Park Zoned District), BP-1 (Business Park-1 Zoned District), BP-2 (Business Park-2 Zoned District) and I-1 (Light Industrial Zoned District), the public street pavement, curbing and guttering shall be of Portland cement concrete construction, and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the City's Subdivision Code.
- F. Utility lines. Underground utility lines crossing streets in utility easements or rights-of-way shall be installed prior to the construction of such streets and alleys.

Section 16.05.040 Storm sewers and other drainage appurtenances.

In addition to the installation of curbs or gutters along the streets as required by § 16.5.3D of this article, storm sewers shall be required to provide adequate drainage along any street, and such storm sewers, manholes, catch basins, inlets and outlets shall be constructed in accordance with the applicable provisions in the specifications. Catch basins are to be constructed in accordance with existing City standards. The stormwater drainage system shall be separate and independent of the sanitary sewer

system and shall be constructed in accordance with the drainage laws of the State of Illinois and the Stormwater Management Ordinance of the City (Section 5-7-1 of the City's Revised Code of Ordinances). No building or construction permit shall be issued by the City and no final plat and no improvement plans for real estate development in the City shall be approved by the City until the stormwater management plan has been approved by the City Engineer as meeting the requirements of the City's Stormwater Management Ordinance or the requirement for such stormwater management plan has been waived by the City Engineer.

Section 16.05.050 Flow lines.

The flow line of any combination curb and gutter section, as well as the flow line of any storm sewer, shall have a fall of at least 0.5 of a foot per 100 lineal feet, except where vertical curves in the grade line of the street make this provision inapplicable with respect to the curb and gutter.

Section 16.05.060 Culverts.

All across-road culverts and entrance culverts shall comply with the specifications. No such pipe culverts, however, shall be less than 15 inches in diameter. The sizes of all drainage structures shall be computed by using "Talbot's Formula" for runoff. The design, installation and construction of all drainage structures shall be subject to the approval of the City Engineer and City Council.

Section 16.05.070 Electrical power, telephone and cable antenna television.

Electrical, telephone, and cable antenna television (CATV) service lines shall be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services within any public right-of-way shall be approved by the City Engineer.

Section 16.05.080 General water and sanitary sewer engineering requirements.

- A. All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the Environmental Protection Agency of the State of Illinois. When a proposed subdivision is reasonably accessible to a public sewer system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s), when a permit can be secured from the public agency. Utilities, when possible, shall be placed in the back lot easements.
- B. Whenever the subdivider provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Environmental Protection Agency and shall be approved by said agency and the City Engineer.

- C. Whenever septic tanks are utilized, the system shall comply with applicable City regulations or recommendations of the Illinois Department of Public Health, whichever is greater. Any such septic tank need not be constructed until the principal building or residence is erected on the lot.

Section 16.05.090 Sanitary sewers.

When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the City Engineer. Sewage collection lines shall not be smaller than eight inches in diameter.

Section 16.05.100 Water.

When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public water system. The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the City Engineer. Water distribution lines shall not be smaller than six inches in diameter.

Section 16.05.110 Fire hydrants.

When a public or private water distribution system is provided, fire hydrants shall be installed by the subdivider as part of the water distribution system. Installation of hydrants shall be accomplished in such manner that each lot is within 400 feet of the fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than six inches in diameter. Fire hydrants must be located on City property no further than 20 feet from the curb. Hydrants installed shall be Iowa Standard two-way units, for standardization.

Section 16.05.120 Sidewalks.

Sidewalks shall be constructed with a minimum thickness of four inches of Portland cement concrete and a base of two inches of clean aggregate base.

- A. All walks shall be constructed at a grade no steeper than 10%, unless steps of adequate design with handrails are provided and approved by the City Engineer.
- B. Nonresidential sidewalks within the nonresidential site shall be concrete, four inches thick and six feet in width, except at driveways where the thickness shall be approved by the City Engineer and shall be adequate for the intended use.
- C. Sidewalks shall be provided with Number 6 reinforcing mesh across the entire width and breadth of driveway aprons or the concrete shall be at least six inches in thickness.
- D. Sidewalks shall be constructed and installed on both sides of public streets in R-2,

R-3, R-4, R-5 and R-6 Districts (One-Family Dwelling Zoning Districts) and in R-7 Districts (Multifamily Dwelling Zoning Districts) in the City. In an R-1 District (One-Family Dwelling Zoning District), Portland cement concrete sidewalks shall be required on at least one side of all public streets.

Section 16.05.130 Sidewalk variances.

A variance may be granted in the provision of sidewalks only if one or more of the following conditions are met:

- A. Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical.
- B. Where the subdivision designer has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic.

Section 16.05.140 Bike paths and trails.

In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement, such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks.

Section 16.05.150 Streetlighting improvements.

Streetlighting improvements shall be installed to serve all properties within the subdivision. Such improvements shall be of the individual service or the multiple circuit type and shall consist of standards, luminaires, cable conduit under driveways and/or streets, controllers, handholes, and all other miscellaneous work and equipment necessary for an integrated system of streetlights.

- A. Location. There shall be at least one standard luminaire at each intersection and interior of each cul-de-sac, and spacing of standards shall not exceed 300 feet in residential areas. In commercial and/or manufacturing areas, spacing and location of standards shall be as approved by the City Council.
- B. Specifications.
 - (1) Lighting standards shall be prestressed and centrifugally cast concrete, complete with bracket and handhole. Heights of standards and length of bracket shall be as follows:
 - (a) Residential areas: standard, 23 feet; bracket arm, eight feet.
 - (b) Commercial, industrial and manufacturing areas: Standard, 30 feet; with the length of the bracket as approved by the City Council.

- (2) Cable on multiple circuit systems shall be not less than No. 8 wire and shall be buried at least 30 inches below finished grade. Cable shall be installed in a two-inch galvanized rigid steel conduit with two-inch fiber bushings where such cable crosses beneath existing or proposed pavements, driveways or sidewalks. No underground cable splices will be permitted.

Section 16.05.160 Street markers and traffic signs.

A street marker shall be placed at each intersection designating the names of the streets entering said intersection. The marker shall be of an approved material sufficient in size to accommodate four-inch lettering; it shall be mounted on four-inch by four-inch creosoted wood posts, two-inch galvanized pipe posts or standard "U" channel painted or galvanized sign posts (minimum weight of 2.6 pounds per foot), with at least three feet in the ground and a minimum of seven feet above the ground. All signs shall be reflectorized.

Section 16.05.170 Maintenance and operation of improvements.

When a subdivision contains sewers, sewage treatment plants, a water supply system, park area, or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health and the Commerce Commission of the State of Illinois and the Illinois Environmental Protection Agency, where applicable.

Section 16.05.180 Performance guarantee: bond or escrow agreement.

Final plats shall be neither approved by the City Council nor recorded by the City Clerk unless the applicable following conditions are met:

- A. Prior installation: the capital improvements or facilities intended to be dedicated to the City or other public body or acceptable private entity have been completed, inspected, and accepted prior to such approval; or
- B. Surety bond or letter of credit: a surety bond issued by an insurance company authorized to do business in the State of Illinois or an irrevocable letter of credit in a form approved by the City Council certifying that adequate funds are and will remain available at a sound and reputable banking or financial institution authorized to do business in the State of Illinois and in a form to allow the City to procure the funds irrevocably committed to complete the required public improvements if construction of said improvements shall be in default shall be posted by the applicant with the City Clerk and approved by the City Council before construction of the improvements or facilities is started. Such surety bond or letter of credit shall be 1 1/4 times the amount determined by the City Engineer as equal to the estimated construction costs of all improvements intended to be dedicated to the City, other public body or approved private legal entity. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the City, other public body, or approved private legal entity shall be completed within two years of the date of approval of the final plat, unless such time is

extended by written agreement between the applicant and the City Council. If such improvements are not satisfactorily installed within the time period specified or required, then such surety bond or letter of credit or portion thereof shall be forfeited by the applicant, and the proceeds of such surety bond or letter of credit shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein.

- C. Surety release. Unless otherwise provided in the surety bond or letter of credit approved by the corporate authorities of the City, the surety bond or letter of credit shall remain in full force and effect until such time as the City Clerk shall, by written authorization to the City Treasurer, release the surety from the obligation of the surety bond or the banking or financial institution from the obligation of its letter of credit, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:
 - (1) Except as otherwise provided in the surety bond or letter of credit approved by the corporate authorities of the City, authorization to release up to 90% of the bond or letter of credit amount may be authorized by the City Clerk upon authorization from the City Council. Such authorization by the City Council shall only be given as improvements are installed equal in value to funds released.
 - (2) Except as otherwise provided in the surety bond or letter of credit approved by the corporate authorities of the City, the remaining 10% may only be released when the City Engineer notifies the City Clerk, in writing, that all improvements have been completed in a satisfactory manner. The City Clerk shall, upon authorization from the City Council, release all funds. Whenever improvements are to be dedicated to another authority, school district, road district, park, or other government, such improvements shall be accepted or approved before the release of all funds.

Section 16.05.190 Maintenance guarantee: letter of credit, bond or escrow agreement.

A. Conditional acceptance.

- (1) Prior to the City accepting dedication and ownership of subdivision capital improvements or facilities intended to be dedicated to and owned by the City (including but not limited to street pavement, curbing, guttering, storm sewers, sanitary sewers, and potable water distribution lines and facilities), the subdivider shall:
 - (a) Provide the City Council with a written certification signed and sealed by a professional engineer licensed to practice engineering in the State of Illinois, attesting that subdivision capital improvements sought to be dedicated to the City have been constructed and installed in compliance with the City's Subdivision Code, Building Code and the other codes and ordinances of the City applicable thereto; and
 - (b) Provide to the City Clerk a maintenance guarantee in compliance with the requirements of this section of the City's Subdivision Code, as hereinafter made and provided for.

- (2) Notwithstanding anything contained in this Subdivision Code to the contrary, acts of maintenance by the City on subdivision capital improvements to be dedicated to and owned by the City shall not be construed or deemed to be or constitute acceptance of ownership of and the future maintenance responsibility for the capital improvements. "Acts of maintenance" with regard to streets may include, but are not limited to: snow removal, street sweeping, payment of energy charges on streetlights, and installation and repair of street signs. Acceptance of City ownership of and the maintenance responsibility for subdivision infrastructure capital improvements shall be by enactment of an appropriate ordinance by the City Council and delivery to the City of a good and sufficient bill of sale for the capital improvements by the subdivider.
- B. Maintenance guarantee. The maintenance guarantee to be provided to the City by the subdivider shall be in the form of an irrevocable letter of credit, an insurance bond or escrow agreement. With regard thereto the following shall apply:
- (1) To be an acceptable maintenance guarantee, a letter of credit must be issued by a financial institution acceptable to the City which is in good standing and authorized to do business in the State of Illinois; an insurance bond must be issued by an insurance company acceptable to the City which is in good standing and authorized to do business in the State of Illinois; and an escrow agreement must be for a cash escrow established at a financial institution approved by the City making funds readily available for use by the City in the event of the default of performance by the subdivider and shall be subject to the provisions of Section 11-39-3 (Builder or Developer Cash Bond) of the Illinois Municipal Code (65 ILCS 5/11-39-3), as amended.
 - (2) The maintenance guarantee shall be in an original principal sum equal to 25% of the cost to construct the capital improvements to be dedicated to the City, as determined by the City Engineer.
 - (3) The maintenance guarantee shall be in a form acceptable to the City Attorney and shall be in force for the period of two years from the date of the City's acceptance of the capital improvements secured by the maintenance guarantee. Not less than 60 days prior to the expiration of the maintenance guarantee, the surety on the maintenance guarantee (financial institution issuing the letter of credit, insurance company issuing the bond or the escrow agent on the escrow agreement) shall notify the City Clerk, by registered mail, return receipt requested, of the impending expiration date. The maintenance guarantee shall so state. Failure to give the required notice shall extend the expiration date of the maintenance guarantee so that under no circumstances shall the maintenance guarantee expire until 60 days after the City's receipt of said written notice of expiration.
 - (4) If at any time during the guarantee period the capital improvements accepted by the City are found by the City to be in need of repair or replacement, due to any cause whatsoever, the subdivider shall repair or replace the same, within such reasonable time as the City shall require, in compliance with the applicable City codes and ordinances.
 - (5) In the event it is necessary for repairs or replacements of capital improvements to

be made during the effective term of the maintenance guarantee, the maintenance guarantee shall only be released by the City Council upon final inspection and approval of the repairs or replacements by the City Engineer or his designee. Release of the maintenance guarantee shall be by enactment of an appropriate ordinance or resolution by the City Council. It shall be the responsibility of the subdivider to request final inspection of repairs or replacements made to capital improvements secured by a maintenance guarantee within 60 days of their completion, but in all cases not less than 30 days before the end of the term of the maintenance guarantee. Failure to give that notice shall extend the term of the maintenance guarantee to not less than 60 days after the date of delivery of the notice to the City.

Section 16.05.200 Telecommunications antennas and support structures.

- A. Name. This section shall be known and may be cited and referred to as the "Telecommunications Antennas and Support Structure Ordinance of the City of Columbia, Illinois" (hereinafter referred to as "this section").
- B. Purposes. The general purpose of this section is to regulate the placement construction and modification of telecommunications towers, support structures, and antennas in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications industry in the City. Specifically, this section is intended:
 - (1) To be consistent with the Telecommunications Act of 1996;
 - (2) To provide reasonable regulations for location and erection of communication antennas, concealed communication antennas, stealth antennas and communication towers;
 - (3) To recognize the rights of individuals to erect and maintain small receive-only antennas, including satellite dish antennas less than one meter in diameter;
 - (4) To encourage competition in the telecommunications industry but discourage a proliferation of many communication towers or many buildings with unsightly communication antennas;
 - (5) To allow and encourage stealth and concealed communication antennas to be located in appropriate areas of the City subject to reasonable conditions enumerated in the City's Zoning Ordinance and additional reasonable conditions imposed by the City Council;
 - (6) To allow wireless communications facilities as conditional uses in the appropriate business, commercial and industrial zoning districts and on city-owned property if approved by the City Council;
 - (7) To co-locate multiple communication providers on a single tower or other facility whenever possible;
 - (8) To provide for co-location of at least two additional communication providers in the future when a new communication tower or similar or suitable structure is erected within the City

by a provider of cellular or personal communication services (PCS);

- (9) To require inspection on an annual basis of communication towers and other structures supporting communication antennas to ensure the integrity of such structures;
- (10) To maximize the use of building materials, colors, textures, screening and landscaping to effectively blend the facilities with the surrounding natural setting and built environment in designing communication facilities;
- (11) To provide for preferences in allowing wireless communication facilities in the following order of preference, to wit: concealed communication antenna, roof-mounted communication antenna, stealth communication towers, monopole towers, and lastly guyed towers;
- (12) To require height and setback requirements which are generally applicable to principal uses in the applicable zoning district for all accessory uses, and any guy wire anchors;
- (13) To require for guyed communication towers that all guy wire anchor locations, equipment shelter structures or buildings, fencing, and similar structures or improvements be located on the same parcel of land occupied by the communication tower;
- (14) To prohibit advertising signs or lights to be allowed on any communication facility, and to require other signage or lighting pertaining thereto to comply with the City of Columbia street graphic control ordinance;
- (15) To require that any site containing a communication tower shall be surrounded by a sight-proof fence of at least six feet, and to provide that additional screening may be required by the City Council based on the location and characteristics of the site;
- (16) To require as a condition of site location approval by the City, that the owner/operator of every wireless communication facility located within the City shall submit an annual report to the City documenting compliance with its special use permit and documenting compliance with all applicable federal regulations, including regulations in effect when the permit was issued and any subsequently adopted or amended regulations;
- (17) To require that the policies stated above in Subsection **B** of this section shall be implemented by adoption of this comprehensive set of amendments to the City's Zoning Code.

C. Findings and declarations.

- (1) On February 8, 1996, the Congress of the United States of America enacted the Federal Telecommunications Act (1996 Public Law 104-104) for multiple purposes, including deregulation of the telecommunications industry for providing a more competitive environment for wired and wireless telecommunication services in the United States of America.
- (2) The Act preserves the authority of the City to enact legislation to regulate the construction, placement, and operation of telecommunications towers and antennas pursuant to its zoning powers established in Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et

seq., including Section 5/11-13-1.1 pertaining to "special uses") and, in addition thereto, pursuant to the authority granted by the Illinois Municipal Code to Illinois municipalities to pass and enforce all necessary police ordinances to regulate the health, safety and welfare of the public (65 ILCS 5/11-1-1).

- (3) The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - (a) The regulation of the environmental effects of radiofrequency emissions from telecommunication facilities; and
 - (b) The regulation of radio signal interference among users of the radiofrequency spectrum.
 - (4) Consistent with the Telecommunications Act of 1996, the regulations contained in this section will not have the effect of prohibiting the provision of personal wireless services, and do not unreasonably discriminate among functionally equivalent providers of such service; do impose reasonable restrictions to protect the public safety and welfare and ensure opportunities for placement of antennas with prompt approval by the City; and do not attempt to regulate in areas within the exclusive jurisdiction of the FCC.
 - (5) The uncontrolled proliferation of telecommunication towers in the City is threatened without adoption of new regulations, which proliferation would diminish property values, the aesthetic quality of life in the City, and would otherwise threaten the public health, safety and welfare.
- D. Definitions. As used in this section, the following terms shall have the meanings and usages indicated:

AGL (ABOVE GROUND LEVEL)

Ground level shall be determined by the average elevation of the natural ground level within a radius of 50 feet from the center location of measurement.

ANTENNA

Any device that transmits and/or receives radiowaves for voice, data or video communications purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennas less than two meters in diameter (mounted within 12 feet of the ground or building-mounted) and any receive-only home television antennas.

CABINET

A structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet by six feet, and a vertical height that does not exceed six feet.

COMMUNICATION TOWER MULTI-USE INTEREST AREA

An area as designated by the map of the same title indicating general locations in which more than one wireless service provider may potentially seek to locate an antenna facility

and in which the construction of co-locatable towers will be required. The map may be periodically revised in response to new information received regarding tower sites sought by wireless providers. A multi-use interest area shall be designated as appropriate for towers within one mile of each other, unless the applicant demonstrates to the contrary. The multi-use interest area map shall include the area within the City limits and within 1 1/2 miles of its corporate boundaries.

DIRECTOR

The City Zoning Administrator or his/her designee.

DISGUISED SUPPORT STRUCTURE

Any freestanding, man-made structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature, such as stealth antennas. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, freestanding bell towers, observation towers, light standards, flag poles and artificial trees.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

HEIGHT

The vertical distance measured from the average grade of the base of the structure at ground level to its highest point, and including the main structure and all attachments thereto.

INCIDENTAL USE

Any use authorized herein that exists in addition to the principal use of the property.

MODIFICATION

Any addition, deletion, or change, including the addition or replacement of antennas, or any change to a structure requiring a building permit or other governmental approval.

SHELTER

A building for the protection and security of communications equipment associated with one or more antennas and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

SUPPORT STRUCTURE

A tower or disguised support structure.

TOWER

A structure designed for the support of one or more antennas and including guyed towers, self-supporting (lattice) towers or monopoles but not disguised support structures or buildings. The term shall also not include any support structure including attachments of 65 feet or less in height owned and operated solely for use by an amateur radio operator licensed by the FCC.

- E. General requirements. The requirements set forth in this section shall be applicable to all towers, antennas and other support structures installed, built or modified after the effective date of this section to the full extent permitted by law.
 - (1) Principal or incidental use. Antennas and support structures may be either a principal use in all zoning districts or an incidental use to institutional or nonresidential uses, subject to any applicable district requirement relating to yard space or setback.
 - (2) Building codes, safety standards, and zoning compliance. To ensure the structural integrity of antenna support structures, the owner shall see that it is constructed and maintained in compliance with all standards contained in applicable state and local building codes and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required by this section, no antenna, tower, or support structure shall be erected prior to receipt of a certificate of zoning compliance and the issuance of a building permit.
 - (3) Regulatory compliance. All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennas and support structures. This shall include compliance with federal regulations or standards for exposure to nonionizing electromagnetic radiation (NIER) and the standard for human exposure C95.1-1992 of the American National Standards Institute (ANSI). Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction or modification of any antenna or structure permitted by this section shall be granted for any applicant having an uncured violation of this section or any other governmental regulatory requirement related to such antenna or structures within the City.
 - (4) Security. All antennas and support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures. Additional measures may be required as a condition of the issuance of a building permit or administrative permit as deemed necessary by the Zoning Administrator or by the City Council before issuance of the special use permit.
 - (5) Lighting. Antennas and support structures shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or modify the antennas or support structure. Equipment cabinets and shelters may have lighting only as approved by the Zoning Administrator on the approved site development plan.

- (6) Advertising. Except for a disguised antenna support structure in the form of an otherwise lawfully permitted sign under the City's street graphics control ordinance, the placement of advertising on structures regulated by this section is prohibited.
- (7) Design.
 - (a) Subject to the requirements of the FAA or any applicable state or federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
 - (b) Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site as approved by the City Council and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located.
 - (c) Towers shall not exceed the height limitation of any airport overlay zone as may be adopted by the City.
 - (d) Antennas attached to a building or disguised antenna support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.
 - (e) All towers shall be surrounded by a minimum six-foot-high decorative wall constructed of brick, stone or comparable masonry materials and a landscape strip of not less than 10 feet in width and planted with materials which will provide a visual barrier to a minimum height of six feet. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the City Council in the case of a special use permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved.
 - (f) All towers, disguised support structures, and related structures, fences and walls shall be separated from the property line of any adjacent property zoned for a residential use at least a distance equal to the height of the tower, and shall be separated from all other adjacent property lines at least a distance equal to one-half of the height of the tower or structure.
 - (g) Vehicle or outdoor storage on any tower site is prohibited, unless otherwise permitted by the zoning.
 - (h) On-site parking for periodic maintenance and service shall be provided at all antenna or tower locations consistent with the underlying zoning district.
- (8) Shared use (co-habitation or co-location).
 - (a) Existing towers. Prior to the issuance of any permit to alter or modify any tower existing on the effective date of this section, the owner shall provide to the City a written and notarized agreement committing to make such tower available for use by others, subject to reasonable technical limitations and reasonable financial terms. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be unlawful and shall, among other remedies of the City, be cause for the withholding of future permits to the same owner to install, build, or modify antennas or towers within the City.

- (b) Tower inventories. Prior to the issuance of any permit to install, build or modify any tower, the tower owner shall furnish the Zoning Administrator an inventory of all of that owner's towers in or within one mile of the City limits of Columbia, Illinois. The inventory shall include the tower's reference name or number, the street location, latitude and longitude, structure type, height, type and mounting height of existing antennas and an assessment of available ground space for the placement of additional equipment shelters. Upon being modified, any such tower shall be placed on the multi-use interest area map for required co-habitation.
- (c) Shared use required for new towers. Any new tower approved at a height of 60 feet above ground level (AGL) or higher shall be designed and constructed to accommodate at least two additional users unless a larger number is indicated by the response to the notification provisions of this section. A written agreement committing to shared use as required by Subsection E(8) of this section shall be submitted by the tower applicant. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be unlawful and shall be a violation of this section and, among other remedies of the City, shall be cause for the withholding of future permits to the same owner to install, build or modify antennas or towers within the City.
- (d) Communications tower multi-use area map. Any new tower approved within a communication tower multi-use interest area, as designated by the map of the same title, shall be designed and constructed to accommodate the number of users indicated by the plan to the extent feasible. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be a violation of this section and, among other remedies of the City, shall be cause for the withholding of future permits to the same owner to install, build or modify antennas or towers within the City.
- (e) Notice of tower applications. Prior to any application for the construction of a new tower or disguised support structure, a copy of the application or a summary containing the height, design, location and type and frequency of antennas shall be delivered by applicant by certified mail to all known potential tower users as identified by a schedule maintained by the Zoning Administrator. Proof of such delivery shall be submitted with the application to the City. The Zoning Administrator may establish a form required to be used for such notifications. Upon request, the Zoning Administrator shall place on a list the name and address of any user of towers or prospective user to receive notification of applications. The Zoning Administrator shall, before deciding on the application or forwarding it to the City Council for consideration, allow all persons receiving notice at least 10 business days to respond to the City and the applicant that the party receiving notice be permitted to share the proposed tower or locate within one mile of such area. Where two or more parties seek to locate within one mile of each other, or such other distance as is demonstrated to the Zoning Administrator to be reasonable pursuant to the objectives of this section, the Zoning Administrator shall designate such area as a multi-use interest area on the map. The failure of the receiving party to use this process or respond to any such notice shall be considered cause for denying requests by such party for new towers or structures.
- (f) Appeal of shared use violations. Any party seeking shared use of a tower subject to this provision shall, after responding to notice of an application, negotiate with the applicant for such use. The applicant may on a legitimate and reasonable business basis choose between multiple requests for shared use on the same tower or structure, and may reject any request where legitimate technical obstacles cannot be reasonably overcome or where the party

requesting shared use will not agree to reasonable financial terms. Any party believing that the applicant has breached its duty to negotiate in good faith for shared use shall immediately notify the applicant and the Zoning Administrator in writing. The Zoning Administrator may reject the application upon a finding that shared use has been improperly denied. A notice of breach of duty shall explain the precise basis for the claim and shall be accompanied by payment of an administrative review fee of \$500 to the City to offset the cost of review. After the applicant's receipt of the notice, the applicant shall have 10 calendar days to provide a written submission to the Zoning Administrator responding to the alleged violation of the shared use requirement. If deemed necessary by the Zoning Administrator, he/she may engage, at the cost of the party alleging the violation, a neutral, qualified technical consultant to provide an opinion on feasibility or costs of the shared use request. If the Zoning Administrator receives a notice alleging a violation of the shared use requirement, the time for a decision on an administrative permit is automatically extended for up to 30 days until the Zoning Administrator has determined that the applicant has complied. An application for a special use permit shall not be deemed complete for acceptance until a decision on compliance is reached.

- F. Permitted uses. The placement of antennas and towers is permitted in all zoning districts only as follows:
 - (1) The attachment of additional or replacement of antennas or shelters to any tower existing on the effective date of this section and subsequently approved in accordance with these regulations;
 - (2) The mounting of concealed antennas which can be placed inside tall structures such as steeples or on any existing buildings or structure, such as a City water tank, provided that the presence of the antennas is concealed by architectural elements.
 - (3) The mounting of antennas on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than 10 feet.
 - (4) The installation of antennas or the construction of a tower or support structure on buildings, structures or land owned by the City following the approval of a lease agreement by the City Council.
- G. Authorization by administrative permit.
 - (1) The placement of antenna and towers is permitted in all zoning districts by administrative permit approved by the Zoning Administrator only as follows:
 - (a) The attachment of additional or replacement antennas or shelters to any tower existing on the effective date of this section or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this section and the underlying zoning district are met.
 - (b) The one-time replacement of any tower existing on the effective date of this section or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be of the same type as the original, except that a tower of higher type preference can be used to replace a tower of lower type preference, the order of preference

(highest to least) being based upon the following order: stealth communication tower, monopole tower, lattice tower, and guyed tower. If a guyed or lattice tower to be replaced is 180 feet or less in height, it shall only be replaced with a monopole. The height of the new tower may exceed that of the original by not more than 20 feet. Subsequent replacements shall require the approval of a special use permit.

- (c) Towers erected and maintained for a period not to exceed 45 days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.
- (2) Application procedures. Applications for administrative permits shall be made on the appropriate forms to the zoning administration and accompanied by payment of \$500, or such other fee as may be established by the City Council.
 - (a) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted with the application indicating all existing and proposed improvements, including buildings, drives, walkways, parking areas and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, the coordinates and height AGL of the existing or proposed tower, and a title insurance commitment or equivalent land title report disclosing the type and location of easements, limitations and restrictions of record that affect the host parcel.
 - (b) The application shall be reviewed by the zoning administration to determine compliance with the above standards and transmitted by the Zoning Administrator for review and comment by the City Engineer and other departments and public agencies as may be affected by the proposed facility.
 - (c) The Zoning Administrator shall issue a decision on the permit within 60 days of the date the application and all required supporting data are filed with the Zoning Administrator by the applicant or the application shall be deemed approved unless the time period for review and action was extended by mutual agreement between the Zoning Administrator and the applicant. Failure of the applicant to timely file required supporting data with the Zoning Administrator will be grounds for the Zoning Administrator to deny the application or to extend the time for deciding on the application. The Zoning Administrator may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this section. The Zoning Administrator may consider the purposes of this section and the factors established herein for granting a special use permit as well as any other considerations consistent with this section. A decision to deny an application shall be made in writing and state the specific reasons for the denial.
- (3) Appeals. Appeals from the decision of the Zoning Administrator shall be made to the Zoning Board of Appeals and the City Council in the same manner as is otherwise provided for the appeal of decisions of the Building Inspector/Zoning Administrator with regard to denial of applications for zoning variances and/or special exceptions pursuant to Section 17.08.020 through Section 17.08.050 of the City's Zoning Code.
- H. Special use permit required. All proposals to install, build or modify an antenna or support

structure not permitted by Subsection **F** or **G** of this section shall require the approval for and issuance of a special use permit, following a duly advertised public hearing by the Zoning Board of Appeals, subject to the following limitations:

- (1) Applications for special use permits. Applications for special use permits shall be filed and processed subject to the requirements of and in the manner and time frame as established in Section 17.40.010 of the City's Zoning Code. A decision of the City Council shall be accompanied by substantial evidence supporting the decision, which shall be referred to in the ordinance authorizing the issuance of the special use permit. Evidence may be submitted with the application or thereafter or presented during the public hearing by the applicant or others.
- (2) Additional minimum requirements. No special use permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of an antenna or support structure pursuant to Subsection **F**, Permitted uses, or Subsection **G**, Authorization by administrative permit, of this section is not technologically or economically feasible. The City Council may consider current or emerging industry standards and practices, among other information, in determining feasibility.
- (3) Findings required.
 - (a) In addition to the determinations or limitations specified in this Subsection **H** and by Section 17.40.010 of the Zoning Code for the consideration of special use permits, the City Council shall also base its decision upon, and shall make findings in the ordinance authorizing the special use permit as to the existence of the following conditions:
 - [1] That the proposed tower is not and cannot be located within a communications tower multi-use interest area as designated by such map, or, if so located, meets the co-habitation requirements of this section.
 - [2] No existing towers, structures or buildings available to be used by applicant within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering:
 - [a] Height;
 - [b] Structural strength;
 - [c] Resulting signal interference;
 - [d] Feasibility of retrofitting;
 - [e] Feasibility of redesigning the applicant's tower network; or
 - [f] Other limiting conditions that render towers, structures or buildings within the applicant's required geographic area unsuitable.
 - [3] That the design of the tower or structure, including the antennas, shelter and ground layout, maximally reduces visual degradation and otherwise complies with the provisions and

intent of this section. New towers shall be of a monopole design, unless it is shown that an alternative design would equally or better satisfy this provision.

- [4] That the proposal minimizes the number and/or size of towers or structures that will be required in the area.
- [5] That the applicant has not previously failed to take advantage of reasonably available shared use opportunities or procedures provided by this section or otherwise.
- [6] That no land owned by any agency of the federal or state government, or by any political subdivision of the state, is available for locating the structure or tower.
- [7] That the tower or structure will be located in a zoning district where such towers or structures are authorized by special use permit in the City.
- (b) If any one, but not more than one, of the first six Subsection **H(3)(a)[1]** through **[6]** of this section determinations is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this section.
- (4) Additional height limitations. No tower shall be approved at a height exceeding 150 feet AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public safety communications system of a governmental entity sharing the tower. Such showing must also be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The opinion of the consultant shall include a statement that no available alternatives exist to exceeding the height limit or the reason why such alternatives are not viable.
- I. Obsolete noncomplying tower structures. Any upper portion of a tower which is not occupied by active antennas for a period of 12 months, and any entire tower which is not so occupied for a period of six months, shall be removed at the owner's expense. Removal of upper portions of a tower manufactured as a single unit shall not be required. Failure to comply with this provision shall constitute a nuisance that may be remedied by the City at the tower owner's or property owner's expense. Any applicant for a new tower or disguised structure not built as a disguised part of another existing or permitted structure shall place a bond, letter of credit, cash or cash equivalent escrow, or other City Council approved security ("security") in a sum or amount equal to 125% of the amount the City Engineer or other consultant employed by the City, and paid for by the applicant, determined would be required for the purposes hereinafter mentioned, with the City prior to any final approval for the purpose of removing any tower or disguised structure as required herein and to compensate the City for performing proper maintenance of such towers or disguised structures to ensure such structures do not become unsafe or otherwise fail to be maintained in compliance with this section. The security shall be in a form approved by the City Council, and in the minimum amount of \$15,000, or such other amount as is determined by the City Council to satisfy the requirements hereof with regard to the specific tower or structure to which it would apply.
- J. Commercial operation of unlawful tower or antennas. Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it is unlawful for any person to erect or operate for any private commercial purpose any antenna, tower or disguised support structure in violation of any provision of this section, regardless of

whether such antenna or structure is located on land owned by a governmental entity.

K. Inspection.

- (1) Communication towers and other structures supporting communication antennas shall be inspected by the tower owner or the tower owner's designee and a written report of the results of the inspection filed with the Zoning Administrator by May 1 of each year, commencing with the first full year following completion of the installation. Failure to do so shall constitute a violation of this section for which one or more of the penalties provided by Subsections **L** and/or **M** of this section may be assessed.
- (2) At reasonable times and after at least three days' prior notice to the tower owner (or the tower owner's designee stated in his application), the City, for good cause as determined by the Zoning Administrator, may have the tower and/or structure supporting the tower inspected by a consultant in the field of expertise required and at the expense of the owner of the tower or the owner of the property on which the tower is located.
- (3) City approval for the construction of a tower, other supporting structure and/or antenna followed by construction of the same by the applicant shall be deemed a grant of authority by the owner of the tower or other supporting structure and the landowner of the host parcel that the City and its contractors and agents shall have free access to the host parcel to perform the inspections authorized by this section.

L. Lien. Failure of an applicant, tower owner or owner of land on which a tower, other supporting structure or antenna is located to pay any fine, fees or costs due under this section may entitle the City to place a lien on the property on which the tower or structure is located by filing a notice of lien in the office of the county recorder for the county in which the structure or tower is located. The lien may be foreclosed following the procedures for foreclosure of mechanic's liens or real estate mortgages in the State of Illinois. Alternatively, the security required by Subsection **I** of this section may be used for collection of the payment of the same.

M. Penalty. Any person violating any provision of this section shall be subject to a fine of not more than \$500 or 90 days in jail, or both. Each day a violation continues shall constitute a separate offense.

N. Severability. If any section, subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof, which remaining provisions shall be read as if the invalid provision was struck from the section. (Ord. 1635, § 1, 1997)

Chapter 16.06

Variances

Sections:

16.06.010 Authority to grant variances and special exceptions.

16.06.020 Prevailing Zoning Code requirements.

16.06.030 Requirements.

16.06.040 Filing.

Section 16.06.010 Authority to grant variances and special exceptions.

The City Council may grant a variance or special exception from all provisions of this code, except § 16.4.7 of Article IV, provided, in each case, that three of the following provisions, including Subsections A and B, are met:

- A. The subdivider shall apply in writing for such variance or exception upon filing of the preliminary plat with the City Clerk's office; and
- B. Any variance or exception granted shall comply with the purpose declared in § 16.1.1 of Article I; and
- C. The subdivider shows that, because of topographical or other physical conditions peculiar to the site, the provisions of this code would cause an unnecessary hardship if strictly adhered to; or
- D. In the opinion of the City Council, the variation or exception will afford better site design and land utilization.

Section 16.06.020 Prevailing Zoning Code requirements.

Any variation proposed or contained within a planned unit development shall be governed by the applicable requirements of the Zoning Code, rather than this article.

Section 16.06.030 Requirements.

Any variation granted shall be in writing and clearly state all conditions requiring the variance or special exception and shall set forth the exact terms of the variance; a copy of which shall be attached to the preliminary plats or final plats as the case may be.

Section 16.06.040 Filing.

A copy of any variation shall be part of the public record and shall be filed in the office of the City Clerk.

Chapter 16.07

Development Agreements

Sections:

- 16.07.010 Optional agreement.**
- 16.07.020 Interpretation and negotiation.**
- 16.07.030 Covenants.**
- 16.07.040 Third party rights.**
- 16.07.050 Limitation of liability.**
- 16.07.060 Subdivider/Developer compliance.**
- 16.07.070 Creation of special funds.**
- 16.07.080 Adoption of agreement.**
- 16.07.090 Mandatory agreements.**
- 16.07.100 Incorporation by law.**
- 16.07.110 Highway, road and street traffic generation assessment development agreements.**

Section 16.07.010 Optional agreement.

The City Council of the City may, but under no circumstances shall be required to, enter into a development agreement with a subdivider/land developer to raise funds for increased public infrastructure needs caused by new development in the City.

Section 16.07.020 Interpretation and negotiation.

The development agreement shall constitute a binding contract between the subdivider/land developer of a proposed subdivision and the City (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this chapter. The City Attorney or his designee is authorized to negotiate development agreements on behalf of the City.

Section 16.07.030 Covenants.

Any covenant by the City contained in the development agreement to refrain from rezoning or adopting any rule or regulation that would affect the proposed subdivision shall be limited to a period of five years. The covenant shall also contain a proviso that the City may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the City Council of the City makes a determination by the enactment of an order, resolution or ordinance by the City Council finding and declaring that the action is necessary in order to avoid substantial risk of injury to public health, safety, and general welfare. The covenant shall contain the additional proviso that the City may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

Section 16.07.040 Third party rights.

Except as otherwise expressly provided in the development agreement, the development agreement shall create no rights enforceable by any third party who/which is not a party to the development agreement.

Section 16.07.050 Limitation of liability.

The development agreement shall contain a clause that any breach of the development agreement by the City shall give rise only to an action for money damages sustained by the breach under state contract law and shall not subject the City to liability for any other remedy that might otherwise be provided and allowed for by state or federal law or equity, including liability for a violation of the 5th and/or 14th Amendments of the U.S. Constitution or any similar state constitutional provision.

Section 16.07.060 Subdivider/Developer compliance.

The development agreement shall include a clause that the City's obligation of compliance under the agreement is expressly conditioned upon the subdivider's/developer's compliance with each and every term, condition, provision, and covenant contained in the agreement and with applicable federal, state and local laws and regulations (including the subdivider's/developer's compliance with the requirements of this Subdivision Code).

Section 16.07.070 Creation of special funds.

All funds collected by the City under and pursuant to a development agreement authorized by this chapter, which is made and entered into between the City and a subdivider/land developer, shall be deposited in a special fund to be created and maintained by the City for the construction, installation, repair, replacement, and/or maintenance of the public infrastructure improvement described and provided for by the development agreement. Each such account shall be labeled so as to identify its intended use and purpose. For example, for highway, street and/or road improvements, a fund entitled the "Road Improvement Fund" might be created. Further, subaccounts may also be established and maintained by the City for specific projects to be funded by one or more development agreements. For example, under the "Road Improvement Fund" of the City one or more subaccounts may be established by the City to pay for roadway improvements for specified highways, streets or roads which are being funded by funds collected from one or more development agreements (e.g., the "Road Improvement Fund - Quarry Road Widening and Reconstruction").

Section 16.07.080 Adoption of agreement.

Each development agreement shall be authorized and adopted by the enactment of an enabling ordinance of the City Council of the City under and pursuant to applicable state and local laws and shall be recorded in the office of the County Recorder or offices of the county recorders of each county in which the subdivision land to which the development agreement applies is located.

Section 16.07.090 Mandatory agreements.

The owner/developer of any land sought to be subdivided or developed within the "area of potential effect" as defined in that certain "Programmatic Memorandum of Agreement" made and entered into between the City and the Federal Highway

Administration, the Illinois Department of Transportation, and other applicable governmental agencies or entities for the construction and development of a federal highway interchange on Federal Highway I-255 and for development of a business park adjacent thereto to be known as the "Columbia Crossing Business Development," prior to and as a condition for subdivision plat approval, infrastructure improvement plan approval or any other building development approval for land located within the "area of potential effect" (APE), shall be required to make and enter into a development agreement with the City, which agreement shall include the following basic terms [and such other terms as the City deems necessary in order to obtain compliance with the Programmatic Memorandum of Agreement (PMOA)]:

- A. The landowner/developer shall assume and agree to perform all obligations undertaken by the City in the PMOA with regard to the subdivision and/or development of his/her property that is located within the APE.
- B. The landowner/developer shall hold the City safe, harmless, free and fully indemnified regarding the landowner/developer performance of the development agreement to be made and entered into for enforcement of the PMOA.
- C. The landowner/developer shall provide to the City a good and sufficient performance guarantee, bond, irrevocable letter of credit, surety bond or other security deemed acceptable by the City in a form to be approved by the City Attorney, in a sum equal to 125% of the City-Engineer-approved estimated cost to comply with the development agreement.

Section 16.07.100 Incorporation by law.

All clauses, covenants and provisos required by this chapter to be included in a development agreement shall be incorporated by law into the development agreement, whether or not that clause, covenant or proviso is expressly stated in the development agreement.

Section 16.07.110 Highway, road and street traffic generation assessment development agreements.

As determined to be necessary and appropriate by the City Council of the City, the City Council may require development agreements to be made and entered into between the City and a subdivider/developer to provide for the payment or contribution to the payment of the costs associated with the surveying of the service area, with the acquisition of land and rights-of-way, with engineering and planning costs, and with all other costs which are directly related to the improvement, expansion, enlargement, construction, and the signage or signaling of roads, streets, or highways within the service area of the subdivision development involved in the development agreement as that service area is designated by the City Council of the City.

Chapter 16.08

Violations and Penalties

Sections:

16.08.010 Penalty.

16.08.020 Injunctive relief.

Section 16.08.010 Penalty.

Any person, group, organization, corporation or other entity who or which shall violate any provision of this code shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$750 for each offense. Each day a violation occurs or persists shall be deemed a separate offense for which a separate fine may be assessed.

Section 16.08.020 Injunctive relief.

A violation of this code may be enjoined by the City Attorney instituting an action in a court of competent jurisdiction to enjoin the violation and for such other relief as the law shall allow.

Chapter 16.09

Masonry Coverage Requirement

Sections:

- 16.09.010** **Applicability.**
- 16.09.020** **Exterior coverage requirements**
- 16.09.030** **Variations.**
- 16.09.040** **Documentation and implementation of requirements.**
- 16.09.050** **Definitions.**
- 16.09.060** **When effective.**

Section 16.09.010 Applicability.

A masonry coverage requirement shall apply in the R-1, R-2, R-3, R-4, R-5, R-6 and R-7 Districts as follows.

Section 16.09.020 Exterior coverage requirements

For real estate subdivisions the final subdivision plats for which are approved by the City's City Council after the third day of January, 2006, the exterior walls of single-family dwelling houses constructed in these zoned districts shall be constructed in compliance with the following exterior building materials requirement:

- A. A minimum of three sides (profiles) of the exterior walls of 50% of the dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves [excluding gables, dormers, openings for windows and doors, trim and for accenting authorized by the City's City Council (after considering the recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee)].
- B. The front facade (the profile of the dwelling house facing the street) of 30% of the dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves [excluding gables, dormers, openings for windows and doors, trim and for accenting authorized by the City's City Council (after considering the recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee)].
- C. The exterior walls of 20% of the dwelling houses to be constructed on lots located in the subdivision may be constructed of building materials other than face brick, which may include but shall not be required to be limited to stucco, vinyl siding, wood siding, or cement board lap siding.

Section 16.09.030 Variations.

- A. Notwithstanding the exterior wall masonry building coverage requirement contained

in § 16.9.2 above, when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the requirements contained in § 16.9.2 above would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the City Council shall be empowered to authorize, upon application in regard to such property, a variance from such requirements to allow the dwelling house to be constructed on the property to be constructed of materials other than those required by § 16.9.2, provided:

- (1) The proposed materials are authorized and approved by the Columbia Building Codes in effect at the time of reference; and
 - (2) The proposed materials are authorized by the City Council (with the advice and/or recommendation of the City's Zoning Administrator and/or the City's Architectural Review Committee).
- B. In granting a variance to a property owner pursuant to Subsection **A**, economic hardship caused to a property owner resulting from the cost of exterior building wall brick masonry construction as compared to the cost of alternative exterior building wall building material construction authorized and approved by the Columbia Building Codes shall not be a factor to be considered by the City Council. Such economic hardship caused to a particular property owner shall not constitute a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the property owner justifying relief from the strict application of the requirements of § 16.9.2 above.

Section 16.09.040 Documentation and implementation of requirements.

- A. Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the City for City Council approval shall depict on the plat drawing and shall state in a note or chart on the plat which lots shall be restricted to a minimum of three sides (profiles) exterior brick masonry walls, which lots shall be restricted to a minimum of a front facade wall (profile) exterior masonry brick requirement and which lots shall be unrestricted as to an exterior wall brick masonry requirement. For ease of reference, the following code (or abbreviations) may be depicted on the lots on the plat drawing and used on the chart with reference to the subject restrictions:
- (1) For three sides brick: (B3).
 - (2) For front facade brick: (BF).
 - (3) For unrestricted lots: (0).
- B. Plat submittals which lack the number of building lots to fully satisfy the exterior wall masonry brick restriction percentages required by § 16.9.2 above shall be required to favor the more restrictive over the less restrictive or unrestricted

building lot exterior wall brick masonry requirement; so that, for example:

- (1) If there are only three building lots in a subdivision, two of the building lots shall be subject to the three sides brick wall (B3) restriction and the remaining one building lot shall be subject to the front wall brick facade (BF) restriction;
 - (2) If there are only five building lots in a subdivision, three of the building lots shall be subject to the three sides brick wall (B3) restriction and the remaining two building lots shall be subject to the front facade brick wall (BF) restriction; and
 - (3) If there are only six building lots in a subdivision, three of the building lots shall be subject to the three sides brick wall (B3) restriction, two of the building lots shall be subject to the front facade brick wall (BF) restriction and the remaining one building lot will not be subject to an exterior wall brick masonry construction restriction.
- C. The application of the exterior wall brick masonry requirement percentages required by Subsection **B(1)** above shall be determined by the number of lots in a subdivision and not by the square footage of the bulk area of a subdivision or by some other method of measurement. The subdivider shall be required to select the location of the restricted and the unrestricted lots, in accordance with the requirements of Subsection **B(1)** above, at the time of the subdivider's first subdivision plat submittal to the City (that is, at the time of preliminary plat submittal for other than minor subdivisions and at the time of final plat submittal for minor subdivisions).
- D. The exterior wall brick masonry requirement restriction that attaches to each building lot in a subdivision shall be a minimum construction requirement; shall run with the land to which the restriction pertains; and a restricted lot may not be exchanged for an unrestricted lot or less restricted lot in the subdivision (and thereby be relieved of its exterior wall building material restriction), except by a replatting of the subdivision approved by the City's City Council.

Section 16.09.050 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BRICK

Natural clay-face brick, and does not include glazed brick or concrete brick unless otherwise indicated or the context clearly requires otherwise.

STONE

Stone masonry composed of field, quarried or cast stone units bonded by mortar unless otherwise indicated or the context clearly requires otherwise.

Section 16.09.060 When effective.

This article shall be in full force and effect from and after its passage and approval, as provided by law, as follows:

- A. As to subdivisions for which a preliminary subdivision plat has been approved by the City Council prior to the date of the enactment of this article, but a final subdivision plat for that subdivision has not been filed with the City Clerk prior to the enactment of this article, the final subdivision plat for that subdivision shall be required to comply with the requirements of this article, but an amended preliminary plat shall not be required notwithstanding the requirement of the City's Subdivision Code that a final subdivision plat must comply with the approved preliminary plat for the subdivision (from which Subdivision Code compliance requirement a variance is hereby granted).
- B. As to subdivisions for which a preliminary subdivision plat has been filed with the City Clerk prior to the enactment of this article, but the preliminary plat has not been approved by the City Council prior to the enactment of this article, the preliminary plat and the final plat for that subdivision shall be required to comply with the requirements of this article.
- C. As to subdivisions for which the final subdivision plat has been filed with the City Clerk but has not been approved by the City Council prior to the enactment of this article, the final plat for that subdivision shall not be required to comply with the requirements of this article.
- D. As to subdivisions for which neither a preliminary subdivision plat nor a final subdivision plat has been filed with the City Clerk prior to the enactment of this article, the preliminary plat and the final plat for that subdivision shall be required to comply with the requirements of this article.

Title 17

ZONING

Chapters:

17.02	GENERAL PROVISIONS
17.04	DEFINITIONS AND RULES OF CONSTRUCTION
17.06	ZONING DISTRICTS DESIGNATED
17.08	ZONING HEARING OFFICER, VARIANCES
17.10	A-1 AGRICULTURAL DISTRICT
17.12	R-1 ONE-FAMILY DWELLING DISTRICT
17.14	R-2 ONE-FAMILY DWELLING DISTRICT
17.16	R-3 ONE-FAMILY DWELLING DISTRICT
17.18	R-4 ONE-FAMILY DWELLING DISTRICT
17.20	R-5 ONE-FAMILY DWELLING DISTRICT
17.22	R-6 ONE-FAMILY DWELLING DISTRICT
17.24	R-7 MULTIPLE-FAMILY DWELLING DISTRICT

17.26	C-1 NEIGHBORHOOD BUSINESS DISTRICT
17.28	C-2 GENERAL BUSINESS DISTRICT
17.30	C-3 HIGHWAY BUSINESS DISTRICT
17.32	I-1 LIGHT INDUSTRIAL DISTRICT
17.34	HP HISTORIC PRESERVATION OVERLAY DISTRICT
17.36	S-2 SLOPE DISTRICT
17.38	S-3 FLOODPLAIN AND DRAINAGEWAY DISTRICT
17.40	SPECIAL USES
17.42	ADDITIONAL HEIGHT, AREA AND YARD REGULATIONS
17.43	MASONRY COVERAGE REQUIREMENT
17.44	OFF-STREET PARKING AND LOADING
17.46	HOME OCCUPATIONS
17.48	COMMUNITY UNIT PLANS
17.50	ANNEXED PROPERTY
17.51	KARST TOPOGRAPHY REGULATIONS
17.52	NONCONFORMING BUILDINGS AND USES
17.54	BUSINESS PARK ZONING CODE
17.56	COMMERCIAL PARK ZONING CODE
17.58	OFFICE PARK 1 ZONING CODE
17.60	MOBILE VENDING BUSINESS PARKS & PREMISES

Chapter 17.02

GENERAL PROVISIONS

Sections:

- 17.02.010 Short title.**
- 17.02.020 Purpose.**
- 17.02.030 Interpretation of provision.**
- 17.02.040 General regulations.**
- 17.02.050 Amendments.**
- 17.02.060 Building permit.**
- 17.02.070 Certificate of occupancy.**
- 17.02.080 Enforcement.**
- 17.02.090 Violations--Penalties.**

Section 17.02.010 Short title.

This title, including district maps, made a part hereof, shall be known and may be cited and referred to as the zoning code of the city. (Prior code § 40-1-1)

Section 17.02.020 Purpose.

This title is adopted for the following purposes:

- A. To promote the public health, safety, comfort, morals and general welfare;
- B. To secure adequate light, pure air, and safety from fire and other dangers;
- C. To conserve the values of property throughout the city and to protect the character and stability of agricultural, residential, business, and manufacturing areas, and to promote the orderly and beneficial development of such areas;
- D. To lessen or avoid congestion in the public streets and highways;
- E. To lessen or avoid hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- F. And in pursuance thereof to permit the corporate authorities of the city to exercise the powers enumerated in Division 13 of Article 11 of the Municipal Code of the state of Illinois, which powers may be exercised within the corporate limits or within contiguous territory not more than one and one-half miles beyond the corporate limits of the city and not included within any municipality. (Prior code § 40-1-2)

Section 17.02.030 Interpretation of provision.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, or the general welfare. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards shall govern. (Prior code § 40-13-1)

Section 17.02.040 General regulations.

A. The provisions of this title shall apply to the entire incorporated area of the municipality.

B. Nothing contained in these regulations shall impose restrictions with respect to land used or to be used for agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except such buildings or structures for agricultural purposes shall conform to building or setback lines, and a permit with respect to land used for agricultural purposes and buildings thereon shall be required, but without charge therefor; nor shall these regulations be deemed to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in the Act, entitled, "An Act Concerning Public Utilities" of Illinois Revised Statutes.

C. Except as hereinafter provided:

1. No building or land shall, after a zoning ordinance is passed, be used or occupied and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall, after a zoning ordinance is passed, be erected or altered:

a. To exceed the height;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of lot area; or

d. To have a narrower or smaller rear yard, front yard, side yard, inner or outer court than is specified herein for the district in which such building is located.

3. No part of a yard, or other open space, or off-street parking, or unloading space about any building required for the purpose of complying with the provisions of the standards in this title, shall be included as part of a yard, open space, off-street parking, or unloading space similarly required for another building.

4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in this title.

5. No parcel of land described by metes and bounds or any lot shall hereafter be created which does not conform and meet the requirements of this title. (Prior code § 40-4-1)

Section 17.02.050 Amendments.

A. The governing body may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance, the boundaries of districts or regulations or restrictions established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the plan commission, hereinafter called "commission." If the commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, change or repeal. Within thirty (30) days after the proposed amendment, supplement, change, modification or repeal is submitted to the commission or upon the filing of the recommendations and report by the commission with respect to any proposed amendment, supplement, change, modification or repeal, the governing body shall cause a public hearing to be held before the plan commission in relation thereto, after giving at least fifteen (15) days notice of the time and place of such hearing and publishing such notice in a newspaper published in the city and after serving such notice personally (by personal delivery or certified mail) on each and every party who owns property that is the subject of rezoning. Such notice shall state the time and place of the hearing, the location of the property affected, and a brief statement of the amendment. Within ten (10) days following the hearing, the plan commission shall file a report of the hearing and its

recommendations with the governing body.

B. If a protest against such proposed amendment, supplement, change, modification or repeal is presented in writing to the clerk, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement, change, modification or repeal shall not become effective, except by the favorable vote of two-thirds of the aldermen of the city then holding office.

C. The party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit a fee in an amount to be set from time to time by city ordinance with the municipal clerk at the time the application is filed, and an additional fee shall be paid to the clerk for the public notice. All fees received hereunder shall forthwith be paid over to the credit of the general revenue fund of the municipality. Under no condition shall the sum or any part thereof be refunded for failure of the change to be adopted by the governing body. (Ord. 1611 § 1, 1997; amended during 1997 codification: Ord. 1318 § 1, 1995: prior code § 40-15-1)

(Ord. No. 3440, Repealed & Replaced, 12/03/2018)

Section 17.02.060 Building permit.

A. Except as otherwise provided in Section 15.04.020, no building or structure exceeding five hundred dollars (\$500.00) in cost or any satellite earth station shall be erected, added to, or structurally altered until the required fee has been paid and a permit has been issued by the building inspector. Except upon a written order of the board of appeals, no such building permit shall be issued for any building where the construction, addition or alteration or use thereof would be in violation of any of the provisions of this title.

B. There shall be submitted with all applications for building permits of nonagricultural buildings or structures two copies of a layout or plat plan drawn to scale showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this zoning code.

C. One copy of such layout or plat plan shall be returned when approved by the building inspector, together with such permit to the applicant. (Ord. 594 § 6, 1985; prior code § 40-12-1)

Section 17.02.070 Certificate of occupancy.

A. Subsequent to the effective date of this zoning code, no change in the use or occupancy of land, nor any change of use or occupancy in an existing nonagricultural building shall be made, nor shall any new nonagricultural building be occupied for any purpose until a certificate of occupancy has been issued by the building inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this title.

B. No permit for excavation for, or the erection, construction or alteration of any nonagricultural building shall be issued before the application has been made and approved for a certificate of occupancy, but no occupancy permit shall be issued until the erection, construction or alteration has been completed, inspected and approved by the building inspector and no nonagricultural building or structure shall be occupied until the certificate and permit are issued.

C. A record of all certificates of occupancy shall be kept on file in the office of the

building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or in a building affected by such certificate of occupancy.

D. Nonconforming Uses. A certificate of occupancy shall be required for all nonconforming uses of nonagricultural land or buildings existing after the passage of this zoning code, or any amendment thereto. Application for such certificate of occupancy for nonconforming uses shall be filed with the building inspector by the owner or occupant of the land or building occupied by such nonconforming use within one year from the effective date of this title, or amendment thereto. It shall be the duty of the building inspector to issue certificates of occupancy for nonconforming use.

E. No nonconforming use shall be renewed, or changed, without a certificate of occupancy having first been issued by the building inspector. (Prior code § 40-12-2)

Section 17.02.080 Enforcement.

The governing body shall appoint a building inspector whose duty it shall be to enforce the provisions of this zoning code. Appeal from the decision of the building inspector may be made to the board of appeals as provided in this title. (Prior code § 40-16-1)

Section 17.02.090 Violations--Penalties.

The owner or agent of a building, structure or land in or upon which a violation has been committed or shall exist, or the lessee or tenant of an entire building, entire structure or entire land in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building, structure or land in or upon which violation shall exist, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for each offense, but if the offense be wilful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for each offense, or by imprisonment for not less than ten days, but not exceeding six months, or by both such fine and imprisonment, in the discretion of the court. A separate offense shall be deemed committed on each day that such violation occurs or continues. (Prior code § 40-16-2)

Chapter 17.04

DEFINITIONS AND RULES OF CONSTRUCTION

Sections:

17.04.010 Rules and definitions.

17.04.020 Rules for construction of language.

17.04.030 Definitions.

Section 17.04.010 Rules and definitions.

In the construction of this title, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. (Prior code § 40-2-1)

Section 17.04.020 Rules for construction of language.

The following rules of construction apply to the text:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
- C. The word "shall" shall be mandatory and not discretionary. The word "may" shall be permissive.
- D. Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for." (Prior code § 40-2-2)

Section 17.04.030 Definitions.

As used in this title:

"Accessory building or use" means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory use includes, but is not limited to the following:

- 1. A children's playhouse, garden house, and private greenhouse;
- 2. A civil defense shelter serving not more than two families;
- 3. A garage, shed or building for domestic storage;
- 4. Incinerators incidental to residential use;
- 5. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;

6. A non-paying guest house or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units;

7. Off-street motor vehicle parking areas and loading and unloading facilities;

8. Any satellite earth station, whether ground-mounted or mounted to the roof or a wall of the principal building.

9. Wind Driven Aeration Systems (also known as "Aeration Windmills") which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake, and which Aeration Windmills are accessory to the main building or use of the premises on which they are to be located.

"Adult use entertainment establishment" means adult book stores, adult entertainment cabarets, adult motion picture theaters, adult novelty stores, and other similar uses as defined in Chapter 5.24 of this code.

"Aeration Windmill" means a wind driven aeration system which does not generate electric power and which pumps oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the pond or lake, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmill is accessory to the primary use of the premises on which it is located. Aeration Windmills are an accessory permitted use in a residential or agricultural zoned district in the City and are not permitted in any other zoned district in the City.

"Agriculture" means the use of land for agricultural purposes. This includes necessary buildings and structures which shall be used for agriculture, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for parking, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by those not engaged in agricultural operations shall not be considered to be used for agricultural purposes.

"Airport" means any area of land or water which is used, or intended for use, for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"Alley" means a narrow service-way providing a secondary public means of access to abutting properties, and not more than twenty (20) feet wide.

"Alterations," as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities or any enlargement, whether by extending

on a side or by increasing in height, or the moving from one location or position to another, or by change in use from that of one district classification to another.

Alterations, Structural. "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

"Ancillary use" means a use which is subordinate or incidental to and on the same lot as the principal permitted use. For example, a cafeteria or restaurant in an office building would be an ancillary use to the principal (office) use. A newsstand or card shop in a hotel are other examples of ancillary uses.

"Animal hospital" means any building or portions thereof, designated or used for the care, observation or treatment of domestic animals.

"Apartment" means a room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath, and toilet facilities, permanently installed.

"Apartment house" means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

Area, Building. "Building area" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

"Automobile" means a self-propelled passenger vehicle used for land transport, usually with four wheels and internal combustion engine.

Automobile Repair, Major. "Major automobile repair" means engine rebuilding or major re-conditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

Automobile Repair, Minor. "Minor automobile repair" means incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major."

"Automobile wrecking yard" means any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

"Basement" means a story partly underground, but having at least one-half its height above the average level of the adjoining ground. A basement should be counted as a story for the purposes of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

"Billboard" or "signboard" means any structure or portion thereof, situated on private premises on which lettered, figured or pictorial matter is, or intended to be displayed for advertising purposes, other than the name and occupation of the user of, or the nature of the business conducted on such premises, or the products primarily sold or manufactured thereon. This definition shall not be held to include a real estate sign advertising for sale or rent

the property upon which it stands.

"Block" means that property abutting on one side of a street between the two nearest intersecting streets or other natural barriers.

"Board" means the city council. When used in Chapter 17.08, "board" shall be construed to be the zoning board of appeals.

"Boarding house" means a building or premises where meals are served regularly for compensation for five or more persons, but not exceeding twelve (12) persons. An establishment where meals are served regularly for compensation for more than twelve (12) persons shall be deemed a restaurant.

"Boat" means a rather small, usually open craft.

"Brick" means natural clay-face brick and does not include glazed brick or concrete brick unless otherwise indicated or the context clearly requires otherwise.

"Buffer area" means the area of planted material, trees and shrubbery, including any required fences, which is used to separate different land uses; buffer areas shall have the effect of creating a physical barrier between abutting, but different land uses. Specific buffer area requirements are given in subsequent sections of this title.

"Building" means a structure having a roof supported by columns or walls for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, each portion of such building shall be considered a separate structure.

"Building area" means the maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces and cornices projecting not more than thirty (30) inches.

Building, Front Line of. "Front line of building" means the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

"Building height" means the vertical distance measured from the average elevation of the proposed existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

"Bus" means a long motor vehicle for carrying passengers.

"Cannabis Dispensary" means a facility operated by a cannabis dispensing organization licensed as such by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a legal source for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies in accordance with Illinois state laws governing the adult and medical use of cannabis

"Call Center" means a central business office for purposes of making and receiving large numbers of telephone calls providing customer support, responses to inquiries, and/or product services. (Added 05/07/2012 per Ord. No. 2949.)

"Camp" means any one or more of the following, other than a hospital, place of detention, or school offering general instruction:

1. Type 1. Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or

2. Type 2. Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments, whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

"Camper" means:

1. A compact, van-like vehicle similar to an automobile and trailer combination, intended to function as a dwelling and used for camping or long motoring trips;

2. Also refers to a portable shelter resembling the top part of a trailer, made to be mounted on a pick-up truck.

"Cellar" means a story having more than one-half of its height below grade.

"College or University" means a postsecondary institution of higher education offering undergraduate or graduate degrees. (Added 05/07/2012 per Ord. No. 2949.)

"Commercial, business or industrial vehicle" means any vehicle (Power unit and towed unit if a combination of the two (2) is involved) operated for the transportation of persons or property in furtherance of any commercial, business or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ride sharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially,

"Commission" means the City Plan Commission.

"Comprehensive plan" means the comprehensive long-range development plan, or any of its parts, serving as a guide for the development of the municipality prepared by the plan commission and adopted by the governing body of the jurisdiction, in accordance with the authority conferred by the Illinois Revised Statutes.

"Commercial feeding facility" means a structure or enclosed area used for feeding cattle, hogs or other livestock in lots of one hundred (100) animals or more and not otherwise connected with a farming operation.

"Commercial poultry facility" means a structure or enclosed area used for feeding and raising farm poultry in excess of five hundred (500) domestic fowl and not otherwise connected with a farming operation.

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"County" means the county of Monroe, Illinois.

"Coverage" means that percentage of the plot or lot area covered by the building area.

"Day care or day nursery" means a facility where children and/or adults are watched and supervised during the day time only (does not involve overnight care).

"Disallowed Cannabis Use" means cannabis-related uses licensed for operation by the Illinois Department of Agriculture or other Illinois state agency, with the exception of Cannabis Dispensaries. Includes, but is not limited to Cannabis Craft Growers, Cannabis Cultivation Centers, Cannabis Processors, and Cannabis Transporters

"District" means a section of the county, city or village for which uniform regulations governing the use, height, area and intensity of use by buildings and land and open spaces about buildings are herein established.

"Dormitory" means a building with many rooms providing sleeping and living accommodations for a number of usually unrelated persons; usually associated with an educational institution. Fraternity and sorority houses shall be classified as dormitories.

"Drainageway" means a water course, gully, dry stream, creek or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.

"Drive-in/drive thru restaurant" means a restaurant where food is ordered from and delivered to a customer remaining in a motor vehicle for consumption on or off the restaurant's premises. Drive-in restaurants shall include so called drive thru restaurants which provide window delivery service to motor vehicles on the restaurant's premises.

"Dwelling" means a building designed or used exclusively as the living quarters for one or more families.

Dwelling, One-Family. "One-family dwelling" means a detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family. "Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other. May also be referred to as a "duplex."

Dwelling, Multifamily. "Multifamily dwelling" means a dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities, or both.

Dwelling, Group. "Group dwelling" means a group of two or more one-family, two-family or multiple-dwellings, occupying a lot in one ownership and having any yard in common.

Dwelling, Row. "Row dwelling" means a dwelling, the walls on two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls.

"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family.

"Essential services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electric, steam or water transmission or distribution systems; collection, communication, supply or disposal systems; elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal, or other governmental agencies, or for the public health or safety or general welfare, but not including buildings.

"Family" means one or more persons who live together in one dwelling unit and maintain a common household; provided, that unless all members are related by blood or marriage, no such family shall contain over five persons; but further provided, that domestic servants and temporary gratuitous guests may be housed on the premises without being counted as a member of a family, or families.

"Floor area" means the sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

A. In particular, the floor area of a building or buildings shall include:

1. Basement space;
2. Elevator shafts and stairwells at each floor;
3. Floor space for mechanical equipment, with structural headroom of seven feet, six inches or more;
4. Penthouses;
5. Attic space, (whether or not a floor has actually been laid), providing structural headroom of seven feet, six inches or more;
6. Interior balconies and mezzanines;
7. Enclosed porches;
8. Accessory uses, not including space for accessory off-street parking;

B. However, the floor area of a building shall not include:

1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
2. Elevator and stair bulkheads, accessory water tanks, and cooling towers;

3. Floor space used for mechanical equipment, with structural headroom of less than seven feet, six inches;
4. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet, six inches;
5. Uncovered steps;
6. Terraces, breezeways and open spaces;
7. Accessory off-street parking spaces;
8. Accessory off-street loading berths up to two hundred (200) percent of the amount required by Chapter 17.44.

"Floor area ratio" or "F.A.R." means the total floor area of the building or buildings on a zoned lot divided by the area of such zoned lot. For example, a ten thousand (10,000) square foot building on a one-acre lot (forty-three thousand five hundred sixty (43,560) square feet) would be expressed as a 0.23 F.A.R. (ten thousand (10,000) square feet divided by forty-three thousand five hundred (43,500) square feet).

"Floodplain" means lands which are low-lying, difficult to drain, or subject to flooding.

"Frontage" means all the property abutting on one side of a street or place between two intersecting streets or places, (crossing or terminating), or if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead-end of the street or place.

Garage, Private. "Private garage" means an accessory building, housing not to exceed four motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

Garage, Public. "Public garage" means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

"Governing body" means the duly elected governing board of the governmental unit having specific jurisdiction; the city council or a village board, whichever has jurisdiction.

"Home occupation" is defined in Chapter 17.46 of this zoning code.

"Hospital," unless otherwise specified, means and includes sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, or any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

"Hotel" means a building in which lodging is provided and offered to the public for compensation, and in which ingress and egress to and from rooms is made through an inside lobby or office supervised by a person in charge at all hours, and which is open to transient guests, in contradistinction to a boarding house or lodging house.

"Institute" means a scientific, educational, or social organization having a particular

object or common factor as its focus, usually supported by a research center, museum or other use of academic or historic value. (Added 05/07/2012 per Ord. No. 2949.)

"Junkyard" means an open area or fenced enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

"Kennel" means any premise where dogs, cats or other small animals are boarded for compensation or are bred or raised on a commercial scale. (New Definition - Ordinance No. 2974 - 09/17/2012)

"Kennel" means any structure or premises where three or more dogs over four months of age are kept. (Old Definition - Amended by Ordinance No. 2974 - 09/17/2012)

"Land use plan" means the comprehensive long-range plan for the desirable use of land in the city, as officially adopted and as amended from time to time by the governing body of the municipality; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing city needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings or public uses.

"Laundromat" means a business that provides home-type washing, drying, and/or ironing machines and/or dry cleaning machines for hire, to be used by customers on the premises.

"Loading space" means a space within the main building, or on the same lot therewith, providing for the standing, loading or unloading of trucks.

"Lodging house" means a building or premises where lodging is provided for compensation for five or more persons, but not exceeding twelve (12) persons.

"Lot" means a parcel, tract or area of land accessible by means of a street or place. It may be a single parcel separately described in a deed or plat which is recorded in the office of the county recorder, or it may include parts of or a combination of such parcels, when adjacent to one another and used as one.

Lot, Corner. "Corner lot" means a lot at the junction of and having frontage on two or more intersecting streets.

"Lot, coverage" means the percentage of the lot area covered by the building area.

Lot, Depth of. "Depth of lot" means the mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

Lot, Interior. "Interior lot" means a lot other than a corner lot or through lot.

Lot Line, Front. "Front lot line" means in the case of an interior lot, a line separating the lot from the street or place; and, in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

"Lot of record" means a lot which is a part of a subdivision, addition or survey, a plat of which is recorded or a parcel of land described by metes and bounds consisting of five acres or less, the plat or description of such parcel of land having been recorded in the office of the county recorder of deeds, prior to the effective date of any new zoning ordinance.

Lot, Through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

"Lot, width" means the dimension of a lot, measured between side lot lines on the building line.

Mobilehome Park. See "Trailer park."

"Motorcycle" means a vehicle with two wheels in tandem, propelled by an internal combustion engine and sometimes having a side car with a third wheel.

"Net site area" means that area of a lot or tract of land not occupied by right-of-way or easements.

"Nonconforming use" means a building or use of land that does not conform to the regulations for the district in which it is situated.

"Nursery school" means a school designed to provide day-time care or instruction for two or more children from two to five years of age, inclusive.

"Nursing home" means a building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

"Opaque fence" means a fence used for screening purposes which is solid and completely obscures vision from one side to the other. Masonry walls or solid wood fences are examples of opaque fences; chain link fencing or other translucent fencing types are not opaque fences.

"Parking lot" means any place, lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles, where such use is not incidental to or in conjunction with a dwelling or other usage permissible in dwelling districts and located on the same tract.

"Parking space" means an off-street space available for the parking of one motor vehicle, and having an area of not less than one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

"Pick-up truck" means a light truck with an open body and low sides.

"Place" means an open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

"Private drive or private driveway" means any private way or access easement providing an ingress and egress to a lot across property not owned by the lot owner and which is located between the lot and the public street or other public way providing the public access to the lot.

"Proprietary interest" means any person or persons with an ownership or property right interest in a lot or real estate.

"Recreational vehicle" means a motor vehicle, as a camper or a mobile home, used for traveling and recreational activities.

"Residential hotel" means a dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

"Restaurant" means business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, Drive-in. "Drive-in restaurant" means a retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant, Fast Food. "Fast food restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: (1) foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) the establishment includes a drive-up or drive-through service facility or offers curb service.

"Riding academy" means any establishment where horses are kept for riding, driving, stabling for compensation, or incidental to the operation of any club, association, ranch or similar establishment.

"Satellite earth station" means any apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals from a transmitter or transmitter relay located in planetary orbit. Such apparatus typically includes a parabolic dish, a low noise amplifier and a feedhorn.

"Service station" means a building, buildings, premises or portions thereof which are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle or motorboat, or aircraft fuels.

"Ship" means:

1. A vessel intended for marine transportation, without regard to form, rig, or means of propulsion;

2. A boat.

"Sinkhole" means any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines, with hash-marks on the contour lines, on USGS 7 1/2 minute quadrangle topographic maps or as determined by field investigations.

"Stable" means any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses, cattle, or other similar animals, either permanently or transiently.

"Stone" means stone masonry composed of field, quarried or cast stone units bonded by mortar unless otherwise indicated or the context clearly requires otherwise.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between any floor and the ceiling next above it.

"Street" means a public or private way which affords the principal means of access to abutting properties.

"Street grade" means the officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grades of the street shall be taken as the street grade.

"Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

"Trailer" or "mobilehome" means any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by other means, which is designated to be used for living, sleeping or commercial purposes.

"Trailer park" or "mobilehome park" means a tract of land or portions thereof divided into lots or parking berths platted and laid out to provide sites for mobilehomes permanently affixed to the site, including any building, structure or enclosure used or intended for use as part of the equipment or services of such park, including courts, developments, communities.

"Truck" means a heavy automotive vehicle used for transporting loads.

"Use" means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use," or its equivalent shall not be deemed to include any nonconforming use.

"Van" means a covered or enclosed truck for transporting people, goods, or livestock.

"Yard" means a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided.

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Yard, Front. "Front yard" means a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the front line and the building line.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings, which do not occupy more than thirty (30) percent of the required space and steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

Yard, Side. "Side yard" means a yard between the principal building and the side lot line, extending from the front yard or from the front line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety (90) degrees with the side lot line, from the nearest part of the principal building.

"Zoning district maps (county)" means county townships maps entitled "Monroe County Zoning District Maps No. 1--14" for the townships within the county showing the boundaries of the county zoning districts for the entire area of the county outside the limits of the cities, villages and incorporated towns therein.

"Zoning district maps (municipal)" means zoning district maps for each city, village and incorporated town within the county which has a municipal zoning ordinance in effect on the effective date of a zoning ordinance for the county and which zoning district map shows the boundaries of the zoning districts for the area inside the limits of each city, village and incorporated town within the county.

"Zoning enforcement officer" means that officer or person designated by the governing body of the community and charged with the responsibility for the enforcement and administration of these standards.

(Ord. 1872 § 1, 2000; Ord. 1717 § 1, 1999; Ord. 1690 § 3, 1998; Ord. 1514 § 1, 1996; Ord. 1506 § 2, 1996; Ord. 1317 § 1, 1995; Ord. 1158 § 2, 1993; Ord. 856 § 1, 1990; Ord. 699 § 1, 1988; Ord. 594 § 1, 1985; prior code § 40-2-3)

(Ord. No. 3523, Added, 06/15/2020, Added "Cannabis Dispensary" and "Disallowed Cannabis Use" ; Ordinance No. 274, Amended, 09/17/2012, Amended the definition of "Kennel"; Ordinance No. 2949, Added, 05/07/2012, Added Definitions to Section 17.04.030 - Call Center; College or University; and Institute; Ordinance No. 2730, Amended, 07/06/2009, Added definition of "Aeration Windmill".; Ordinance No. 2730, Amended, 07/06/2009, Added definition of Accessory building or use for Wind Driven Aeration Systems.; 17.04.030 Definitions., Added, 01/03/2006, Added Brick Ordinance to Zoning Code.; 17.04.030 (Ord. 2069), Added, 07/01/2002, Added "Commercial, Business or Industrial Vehicle" Definition.)

Chapter 17.06**ZONING DISTRICTS DESIGNATED****Sections:****17.06.010 Establishment of use districts and zoning map.****17.06.020 Interpretation of district boundaries.****17.06.030 Procedure relating to vacated areas.****Section 17.06.010 Establishment of use districts and zoning map.**

A. The municipality is divided into the following zoning districts:

1. Agricultural district:

A-1 Agricultural district.

2. Residential districts.

R-1 One-family dwelling district

R-2 One-family dwelling district

R-3 One-family dwelling district

R-4 One-family dwelling district

R-5 One-family dwelling district

R-6 One-family dwelling district

R-7 Multifamily dwelling district.

3. Business districts:

C-1 Neighborhood business district

C-2 General business district

C-3 Highway business district

BP-1 Business park-1 district

BP-2 Business park-2 district

CP Low intensity, high quality commercial
business park district

4. Industrial districts:

I-1 Light industrial district.

5. Special districts:

S-1 Historic building district

S-2 Slope district

S-3 Floodplain and drainageway district

6. Office park district:

OP-1 Office park district.”

B. No zoning district established in this title shall be changed or a zoning district established after the effective date of a new zoning ordinance unless the districts are of the following minimum size:

A-1	Agricultural district	no minimum
R-1	One-family dwelling district	15 acres
R-2	One-family dwelling district	15 acres
R-3	One-family dwelling district	10 acres
R-4	One-family dwelling district	5 acres
R-5	One-family dwelling district	5 acres
R-6	One-family dwelling district	5 acres
R-7	Multifamily dwelling district	5 acres
C-1	Neighborhood business district	5 acres

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C-2	Central business district	5 acres
C-3	Highway business district	5 acres
I-1	Light industrial district	20 acres
S-1	Historical building district	no minimum
S-2	Slope district	no minimum
S-3	Floodplain and drainageway	no minimum
BP-1	Business park-1 district	10 acres
BP-2	Business park-2 district	15 acres
CP	Low intensity, high quality, commercial business park district	10 acres
OP-1	Office park district	5 acres.”

C. Zoning District Map. The location and boundaries of the Zoning Districts established in the City shall be shown on a Zoning District Map which is incorporated into this Zoning Code by reference. The Zoning Map, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be a part of the City's Zoning Code and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

The City Council shall cause to be published by no later than March 31 of each year the City's Zoning District Map depicting the boundaries of the various Zoning Districts in the City and their classification and which by reference to the Zoning Code of the City will show the Zoning uses, restrictions and regulations pertaining to the land located in the City for each preceding calendar year. The first Zoning Map and Zoning Code of the City published April 14, 1969 reflects the Zoning uses, divisions, restrictions, regulations and classifications in effect at that time. If in any year after the publication of the first Zoning Map of the City there are no changes in the Zoning Regulations in the City's Zoning Code and no changes in the Zoning Districts Boundaries in the City, no map shall be required to be published for that year.

In the event a discrepancy or inconsistency exists between the City's currently effective Zoning District Map and boundaries of a Zoning District created by property descriptions contained in the City Ordinances that zoned or rezoned the property or properties comprising the Zoning District, the legal description contained in the applicable Zoning Ordinance or Zoning Ordinances will control and shall preempt and take precedence over the Zoning District Map for purposed of defining the boundaries of the Zoning District.

The zoning or rezoning of property in the City shall be by enactment of an ordinance which contains the metes and bounds description of the boundary of the property which is the subject of the zoning or rezoning and such zoning or rezoning shall take effect on the effective date of the ordinance creating the zoning or rezoning. The amendment of the Zoning Code which involves a change in Zoning District Boundaries shall become effective by the enactment of the ordinance and on the effective date of the ordinance which will create the Zoning District Boundary change.

(Ord. 1445 §§ 1, 2, 1996; Ord. 1425 § 1, 1996; Ord. 1362 §§ 1, 2, 1995; prior code § 40-3-1)

(17.06.010 (Ord. 2305), Amended, 11/15/2004; 17.06.010 (Ord. 2137), Amended, 01/20/2003; 17.06.010 (Ord. 2004), Amended, 11/19/2001)

Section 17.06.020 Interpretation of district boundaries.

Where uncertainty exists with regard to the boundaries of any of the Zoning Districts in the City, as shown on the City's Zoning District Maps, the following rules shall apply:

A. In the event a discrepancy or inconsistency exists between the City's currently effective Zoning District Map and the boundaries of a Zoning District created by property descriptions contained in the City Ordinances that zoned or rezoned the property or properties comprising the Zoning District, the legal description contained in the applicable Zoning Ordinance or Zoning Ordinances will control and shall preempt and take precedence over the Zoning District Map for purposed of defining the boundaries of the Zoning District.

B. Where district boundaries are indicated in Zoning Ordinances of the City as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, the center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

C. Where district boundaries are so indicated in Zoning Ordinances of the City that they approximately follow the lot lines, township lines, section lines, one-half section lines, one-quarter section lines and one-eighth section lines, such lines shall be construed to be boundaries.

D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.

E. Where the boundary of a district follows a stream, lake, or other body of water, the boundary line shall be deemed to be at the limit of the jurisdiction of the municipality, unless otherwise indicated. (Prior code § 40-3-2)

(17.06.020 (Ord. 2305), Amended, 11/15/2004)

Section 17.06.030 Procedure relating to vacated areas.

A. Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way or similar area, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.

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B. Whenever an area is annexed to the city, the area shall be zoned in accordance with the requirements of law. (Prior code § 40-3-3)

Chapter 17.08**ZONING HEARING OFFICER, VARIANCES****Sections:**

- 17.08.010 ESTABLISHMENT OF OFFICE OF ZONING HEARING OFFICER.**
- 17.08.020 POWERS AND DUTIES.**
- 17.08.030 APPEALS.**
- 17.08.040 VARIANCES.**
- 17.08.041 PROCEDURE.**
- 17.08.042 CITY COUNCIL POWER OF ADMINISTRATIVE REVIEW.**
- 17.08.043 JUDICIAL REVIEW OF FINAL DECISION.**

Section 17.08.010 ESTABLISHMENT OF OFFICE OF ZONING HEARING OFFICER.

The position of City of Columbia Zoning Hearing Officer is hereby created in accordance with 65 ILCS 5/11-13-14.1 and other applicable authority. The Zoning Hearing Officer ("Hearing Officer") shall be appointed by the Mayor with the approval of the City Council. Alternate hearing officers may serve when the Hearing Officer is not available and may be appointed in the same manner as the Hearing Officer. Hearing Officers shall be appointed on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with 65 ILCS 5/11-13-14.1.

(Ord. No. 3440, Replaced, 12/03/2018)

Section 17.08.020 POWERS AND DUTIES.

The Hearing Officer shall have all the powers and duties prescribed by law and by this Ordinance, including the following:

1) Appeals. Upon an appeal from a decision by any administrative official, including but not limited to the Building Official, to decide any question involving the interpretation of any provision or term of the City of Columbia Zoning Code ("Code"), including the determination of the exact location of any district boundary if there is uncertainty with respect thereto, or other claimed error in the decision or determination made by an administrative official in the enforcement of the Code; provided that such decision shall be bound by and consistent with the language of the ordinance or regulation at issue;

2) Variances. The Hearing Officer may vary the application of the requirements of the Code, except for use variances, as provided in this Chapter. The Corporate Authorities may reserve, by ordinance, any class of variance for approval only by the Corporate Authorities. In such cases where the City Council has reserved decision making authority, the Hearing Officer shall still conduct a hearing and provide notice in compliance with 65 ILCS 5/11-13-6.

3) Use Variances. To hold public hearings for applications for use variances and to forward a written report containing findings of fact and a separate conclusion recommendation thereon to the City Council, consistent with 65 ILCS 5/11-13-14.1.C(1), which the City Council may by ordinance without further public hearing adopt any

proposed use variance, or the City Council may refer it back to the Hearing Officer for further consideration or deny the use variance request as a final action. For purposes of this Section, “use variances” shall be any variation that authorizes any use or classification of use to continue or commence in a zoning district in which that use is not a permitted use by right. Any proposed use variance which fails to receive the approval of the Hearing Officer shall not be approved except by the favorable vote of two-thirds (2/3) of all Aldermen. No variance shall be granted that shall authorize a use that may be granted by special use or planned use procedures. Use variances are not favored and shall be granted only when failure to authorize the use denies all economically viable use of the property or similar extreme hardship is demonstrated by the evidence presented.

4) Other authority. To hear and decide all other matters referred to it by the City Council or upon which it is required to pass under applicable ordinance.
(Ord. No. 3440, Repealed & Replaced, 12/03/2018)

Section 17.08.030 APPEALS.

An appeal may be taken to the Hearing Officer by any person, firm or corporation aggrieved by a determination or decision of any administrative official charged with the enforcement of any provision of or regulation adopted pursuant to the Code, or by any officer, department, or board of the City relating to such decision. The appeal shall be taken within forty-five (45) days of the action complained of by filing, with the City Clerk, a notice of appeal, specifying the grounds thereof. The City Clerk shall thereupon transmit to the Hearing Officer and the official from whom the appeal is taken all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the official appealed from certifies to the Hearing Officer after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed except by a restraining order, which may be granted by the Hearing Officer or by a Court of Record on application, or notice to the official appealed from and on due cause shown. The Hearing Officer may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Hearing Officer may decide to be fitting and proper to the premises. No challenge to any decision subject to this Section shall be filed in any court until or unless a timely appeal has been filed and prosecuted to completion by the applicant as provided for in this Chapter so as to establish a final appealable decision.

(Ord. No. 3440, Repealed & Replaced, 12/03/2018)

Section 17.08.040 VARIANCES.

A variance may be sought by filing a written application and payment of applicable fee to the City Clerk specifying the specific provision to be varied, the extent of the variation, and the basis therefore and including such requirements as are set forth in the Code. The Hearing Officer may grant a variance only if it is in harmony with the general purpose and intent of the Code and in accordance with general or specific rules adopted hereto and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of the Code relating to the use, construction, alteration of buildings, or structures or the use of land, but in no other case. No variance may be granted to any condition of approval placed on a special use permit or prior zoning action. The Hearing Officer may impose such conditions, safeguards and

restrictions upon the premises, benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. A request for a variance, other than a use variance, may be granted, upon a finding and determination on the record of the Hearing Officer that the requirements of this Section are met and that all three of the following conditions are satisfied or upon such conditions as may the Hearing Officer establishes as will meet such conditions:

- a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations;
- b) The plight of the owner is due to unique circumstances that cannot be attributed to any action or fault of the owner; and
- c) The variance, if granted, will not alter the essential character of the locality.

(Ord. No. 3440, Repealed & Replaced, 12/03/2018)

Section 17.08.041 PROCEDURE.

1) General. The Hearing Officer shall act in accordance with the procedure specified by law and by the Code. All appeals and applications to the Hearing Officer shall be in writing. Every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The City may appear by any designated official of the City Council and be heard as a party in interest in any hearing before the Hearing Officer, and the City may appeal any decision of the Hearing Officer to a court of competent jurisdiction.

2) Applications. All applications for variance shall be charged a fee by the City for filing, processing, postage and public notice in an amount as published in Title 18 of the City Code. Applicants shall provide a list of names and addresses of the owners of record for all properties located within two-hundred fifty (250) feet of the subject property's boundary. Property owner lists shall be obtained from the County Recorder of the county wherein the subject property is located.

3) Notice of hearing. No action of the Hearing Officer shall be taken on any variance application until after notice has been given of the hearing. The Hearing Officer shall fix a reasonable time for the hearing of the appeal or application and shall give due notice thereof to the parties and decide the matter within a reasonable time.

(a) Notice of the time, date, and location of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing at least one (1) notice thereof in a newspaper published in the City, such publication to be made at least fifteen (15) days before the public hearings but not more than thirty (30) days before the hearing.

(b) At least fifteen (15) days before the public hearing but not more than thirty (30) days before the hearing, the Building Official or designee shall send all property owners on the aforesaid list a written notice by certified mail (return receipt required) or personal delivery. The notice shall state:

- (i) The address of the location for which the special use is requested;
- (ii) The applicant's name and address;
- (iii) A description of the special use requested;

- (iv) The date the application was filed; and
- (v) Notification of the public hearing with the hearing's date, time and location.

3) Hearings Procedure. All hearings conducted by the Hearing Officer shall be open to the public, held at the call of the Hearing Officer and at such times as he or she may determine. At hearings conducted by the Hearing Officer, the Building Official, or his designee, shall provide the Hearing Officer with the factual background of the application, the request sought by the applicant, and the relevant sections of the Code. At hearings conducted by the Hearing Officer, any interested person may appear in person or by duly authorized agent or attorney. All testimony before the Hearing Officer shall be given under oath. The Hearing Officer shall administer oaths and may compel attendance of witnesses. The Hearing Officer shall keep minutes of his or her proceedings and other official actions. The Hearing Officer shall adopt his or her own rules and procedures, not in conflict with this Ordinance or applicable Illinois statutes.

4) Decision and Findings of Fact. Every variation decision shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Hearing Officer. The findings of facts shall specify the reason or reasons for making the variation. The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. Property for which relief has been granted shall not be used in violation of the specific terms of the findings of fact, as the case may be, unless its authorized use is changed by subsequent variance or ordinance. Every rule, regulation, decision or determination of the Hearing Officer shall immediately be filed with the City Clerk and shall be public record.

5) Expiration of variance approval. Any construction or use authorized by a variance approval shall substantially commence not later than one (1) year after the date of the decision granting the variance, or such other time as may be specified in the variance approval.

6) Cost. For any application to the Hearing Officer, a fee shall be charged by the City for processing and public notice in an amount as published in Title 18 of the City Code.

(Ord. No. 3440, Repealed & Replaced, 12/03/2018)

Section 17.08.042 CITY COUNCIL POWER OF ADMINISTRATIVE REVIEW.

Immediately following the filing of the written decision of the Hearing Officer on any appeal or variance request under this Section, the City Clerk shall file a report with the City Council concerning such action. Within twenty-one (21) days after the Hearing Officer's decision, the City Council, upon majority vote, may exercise the power of administrative review of any Hearing Officer decision on an application for an appeal or variance.

Upon adoption of the motion to exercise the power of review, the City Council may act on the matter directly or first refer the matter to committee. Before acting on the variance or appeal, the City Council may set the matter for hearing before the committee or the City Council. The City Council will give written notice of any such hearing to the applicant and all other persons who appeared and spoke at the public hearing before the Hearing Officer. In addition, the City Council may, in its discretion, notify and allow to be heard at the hearing any other person who the City Council believes may be aggrieved by any decision or action concerning the application.

Following its review, the City Council may affirm, reverse, or modify, in whole

or in part, any determination of the Hearing Officer. A favorable vote of two-thirds (2/3) of all Aldermen shall be required to overturn or modify a decision by the Hearing Officer. The decision of the City Council shall be made within forty-five (45) days of its vote to review the decision of the Hearing Officer, unless extended for specified cause by a majority vote of the City Council, or the Hearing Officer decision shall become final. In making any decision, the City Council may adopt and rely on the record of the hearing officer or may hold a new hearing to establish a record for final decision.

Unless the City Council exercises its power of review of administrative review, the decision of the Hearing Officer shall become effective after twenty-one (21) days following its decision.

(Ord. No. 3440, Repealed & Replaced, 12/03/2018)

Section 17.08.043 JUDICIAL REVIEW OF FINAL DECISION.

Any officer, department or board of the City or any person whose legal rights, duties, or privileges have been affected by any final decision of the Hearing Officer, or any party affected by the decision of the City Council where such decision has been reserved or appealed to the City Council, may present to the Circuit Court having jurisdiction in the county, a complaint, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and otherwise proceeding pursuant to the Administrative Review Law, Section 735 ILCS 5/3-101, et seq. which shall govern such appeals including as authorized in 65 ILCS 5/11-13-14.1. Such complaint shall be presented to the court within thirty-five (35) days after the filing of the final decision. The costs of preparing and certifying the record of proceedings for filing with the Circuit Court in an administrative review proceeding shall be paid to the City by the appellant prior to the filing of such records with the Court. To the full extent permitted by law, unless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of such administrative decision.

(Ord. No. 3440, Replaced, 02/12/2019)

Chapter 17.10

A-1 AGRICULTURAL DISTRICT

Sections:

- 17.10.010** **Scope.**
- 17.10.020** **Permitted uses.**
- 17.10.025** **Uses permitted only by a special use permit.**
- 17.10.030** **Height.**
- 17.10.040** **Lot size.**
- 17.10.050** **Yard areas.**
- 17.10.060** **Off-street parking facilities.**
- 17.10.070** **Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.**

Section 17.10.010 **Scope.**

Within the A-1 agricultural district, the following regulations shall apply. (Prior code § 40-5-1 (part))

Section 17.10.020 **Permitted uses.**

- A. Agriculture and agricultural buildings or structures; provided, that no livestock shall be housed closer than four hundred (400) feet from any lot in any R district;
- B. Any buildings or structures occupied by or used for churches, Sunday Schools, parish houses, public and parochial schools, public libraries, convents, monasteries, museums and similar public cultural uses, located not less than forty (40) feet from any R district;
- C. Open air recreational use such as park and playgrounds;
- D. Essential services, as defined in Section 17.04.030, and public service buildings or properties, except such uses as storage yards, warehouses, garages or other uses customarily conducted as gainful business, provided any building shall be located not less than forty (40) feet from any R district;
- E. Cemeteries;
- F. Existing railroad rights-of-way, not including switching, storage, freight yards or sidings;
- G. Home occupations, as defined in Section 17.04.030;
- H. Temporary buildings and uses for construction purposes for a period not to exceed one year;
- I. One-family detached dwellings;
- J. Animal sewage lagoon, commercial poultry facilities and commercial feed facilities, provided such uses shall be located not less than one thousand five hundred (1,500) feet from any lot in any R district;
- K. Sale of nursery and greenhouse products where production or growth of products takes place on the premises;
- L. Country clubs, golf courses, swimming clubs and similar recreational uses; provided, that any principal or accessory building in connection therewith shall be located not less than two hundred (200) feet from any R district;
- M. Billboards and signboards subject to the following restrictions:
 - 1. No billboard or signboard shall be located within four hundred (400) feet of any R district.

2. No billboard or signboard shall be located along any federal or state highway right-of-way within one hundred (100) feet of any other public road right-of-way.

3. No billboard or signboard shall contain more than three hundred (300) square feet of surface area nor be higher than twenty-five (25) feet above the average grade.

4. No billboard or signboard shall be located within five hundred (500) feet of an exit or entrance to a controlled access route.

5. Billboards or signboards may have constant or flashing illumination; provided, that any such sign located in the direct line of vision of any traffic control signaling device shall not have contrasting or flashing intermittent illumination of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any existing residential structure of any R district;

N. The following uses may be permitted in accordance with the provisions and procedures indicated by the governing body upon application in accordance with and after compliance with the procedure set forth in Section 17.04.010.

1. Sanitary landfills, in accordance with other applicable requirements and regulations, provided that no such landfill shall be operated within one thousand three hundred twenty (1,320) feet of any R district,

2. Mining, loading of coal, clay, sand or gravel, including equipment, buildings, or structures for washing, crushing, screening, mixing or storage subject to the following conditions and restrictions:

a. No shaft shall be sunk and no open pit or open cut mining for coal, clay, sand, gravel or other minerals shall be permitted within one and one-half miles of the corporate limits of any city, village or incorporated town.

b. No open pit or shaft shall be located less than one thousand three hundred twenty (1,320) feet from any R district.

c. All buildings or structures for washing, crushing, screening, mixing or storage shall be located not less than five hundred (500) feet from any residence and one thousand three hundred twenty (1,320) feet from any R district;

O. Accessory use or building as defined in Section 17.04.030 as regulated by Chapter 17.42, including the following accessory use:

Buildings and structures accessory to agricultural uses including roadside stands selling produce grown on the premises, provided that such stands shall be located not less than fifty (50) feet from a street or highway right-of-way;

P. Governmental buildings and facilities, whether of the type used to perform governmental or proprietary functions and/or services, of all nature and kind.

Q. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

(Ord. 892 (part), 1991; Ord. 769 § 1, 1989; prior code § 40-5-1(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Aeration Windmill Systems, item Q.)

Section 17.10.025 Uses permitted only by a special use permit.

The following uses shall be permitted in an A-1 (Agricultural District) in the City by special use permit only in accordance with Section 17.40.010 (Special uses) and Figure 1 (Special Use Exceptions and Requirements) thereof:

A. Indoor Shooting Range

(Ordinance No. 2898, Added, 09/19/2011, Added Section 17.10.025 Uses permitted only by a special use permit. A. Indoor Shooting Range.)

Section 17.10.030 Height.

There shall be no restriction on the height of buildings in agricultural districts. (Prior code § 40-5-1(B))

Section 17.10.040 Lot size.

- A. No minimum lot area shall be required for agricultural use.
- B. A minimum lot area of 2.5 acres shall be required for one-family dwelling use.
- C. Public school, elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school, including religious instruction in parochial schools, hereafter erected, shall conform to the following minimum standards:
 - 1. Elementary school: five acres plus one additional acre per one hundred (100) student design capacity in excess of five hundred (500) students.
 - 2. Junior high school: ten acres, plus one additional acre per one hundred (100) student design capacity in excess of one thousand (1,000) students.
 - 3. Senior high school: fifteen (15) acres, plus one additional acre per one hundred (100) student design capacity in excess of one thousand five hundred (1,500) students. (Ord. 1139 § 1, 1993; prior code § 40-5-1(C))

Section 17.10.050 Yard areas.

No minimum yard areas shall be required for agricultural use, except a front yard requirement of eighty (80) feet along state and federal highways and a requirement of sixty (60) feet along state aid highways and other public roads. (Prior code § 40-5-1(D))

Section 17.10.060 Off-street parking facilities.

Off-street parking facilities shall be provided as required or permitted in 17.44. (Prior code § 40-5-1(E))

Section 17.10.070 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

- A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be required to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25')) plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

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(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added 07.10.070 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.12

R-1 ONE-FAMILY DWELLING DISTRICT

Sections:

- 17.12.010** **Scope.**
- 17.12.020** **Permitted uses.**
- 17.12.030** **Height.**
- 17.12.040** **Lot size.**
- 17.12.050** **Yard areas.**
- 17.12.060** **Percentage of lot coverage.**
- 17.12.070** **Dwelling standards.**
- 17.12.080** **Off-street parking facilities.**
- 17.12.090** **Accessory building standards.**
- 17.12.100** **Street, curbing, guttering and sidewalk construction.**
- 17.12.110** **Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.**

Section 17.12.010 **Scope.**

Within the R-1 one-family dwelling district, the following regulations shall apply. (Ord. 1445 § 3 (part), 1996; prior code § 40-6-1 (part))

Section 17.12.020 **Permitted uses.**

- A. One-family detached dwellings;
- B. Home occupations, as defined in the home occupation ordinance of the city (Chapter 17.46);
- C. Accessory buildings and uses as defined in Section 17.04.030;
- D. Private, in-the-ground swimming pools appurtenant to a one-family dwelling and on the same lot, when they meet yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of small children and meets all applicable health and sanitation requirements.
- E. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

(Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item E, Aeration Windmill Systems.)

Section 17.12.030 **Height.**

One-family detached dwellings: thirty-five (35) feet, and not over two and one-half stories, except as provided in Chapter 17.42. (Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(B))

Section 17.12.040 **Lot size.**

Every one-family detached dwelling, hereinafter erected in an R-1 one-family dwelling district shall be on a lot having an area of not less than forty-four thousand (44,000) square feet, and a width at the established building line of not less than one hundred and fifty (150) feet. (Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(C))

Section 17.12.050 Yard areas.

No building or structure shall be erected or enlarged unless the following yard spaces are provided and maintained in connection with such building, structure or enlargement:

A. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than fifty (50) feet in depth.

B. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of the dwelling of not less than thirty (30) feet.

C. Rear Yard. Every lot or parcel of land upon which a building is constructed in a R-1 one-family dwelling district shall have a rear yard of not less than fifty (50) feet. (Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(D))

Section 17.12.060 Percentage of lot coverage.

All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot. (Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(E))

Section 17.12.070 Dwelling standards.

Every one-story dwelling hereinafter erected in any R-1 one-family dwelling district shall have a total ground floor area of not less than one thousand four hundred (1,400) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways and garages. Every dwelling of more than one story hereafter erected in any R-1 one-family dwelling district shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand eight hundred (1,800) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways and garages, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area. (Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(F))

Section 17.12.080 Off-street parking facilities.

Off-street parking facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 3 (part), 1996: prior code § 40-6-1(G))

Section 17.12.090 Accessory building standards.

A. Height. An accessory building shall have a maximum height of ten feet at the eaves.

B. Size. An accessory building must be smaller than the primary building, and is limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.

C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.

D. Building Material. An accessory building's external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.

E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.

F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.

G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; prior code § 40-6-1(H))

Section 17.12.100 Street, curbing, guttering and sidewalk construction.

In an R-1 (one-family dwelling zoning district), all streets shall have portland cement concrete curbing and guttering. A portland cement concrete sidewalk shall be required on at least one side of the street. The street paving may either be of portland cement concrete construction or oil and chip construction. Street and sidewalk construction shall be in compliance with the city's subdivision code except that street paving may be of oil and chip construction. (Ord. 1735 § 1, 1999)

Section 17.12.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be required to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25') plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which

constitute an effective visual barrier year-round, earthen berm, or a combination of these.”

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.12.110 - Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.14

R-2 ONE-FAMILY DWELLING DISTRICT

Sections:

17.14.010	Scope.
17.14.020	Permitted uses.
17.14.030	Height.
17.14.040	Lot size.
17.14.050	Yard areas.
17.14.060	Percentage of lot coverage.
17.14.070	Dwelling standards.
17.14.080	Off-street parking facilities.
17.14.090	Accessory building standards.
17.14.100	Street, curbing, guttering and sidewalk construction.
17.14.110	Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

Section 17.14.010 Scope.

Within the R-2 one-family dwelling district, the following regulations shall apply. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2 (part))

Section 17.14.020 Permitted uses.

- A. One-family detached dwellings;
- B. Home occupations, as defined in Section 17.04.030;
- C. Public school, elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school, including religious instruction in parochial schools;
- D. Churches and similar places of worship;
- E. Convents, monasteries, rectories or parish houses to be occupied by not more than ten persons or other similar uses as specified in Chapter 17.40;
- F. Temporary buildings and uses for construction purposes for a period not to exceed one year;
- G. Accessory use or building, as defined in Section 17.04.030 and as regulated by Chapter 17.42;
- H. Off-street parking facilities, as required or permitted by Chapter 17.44;
- I. Private swimming pools appurtenant to a one-family dwelling and on the same lot, when they meet yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of small children and meets all applicable health and sanitary requirements.
- J. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

(Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item J., Aeration Windmill Systems.)

Section 17.14.030 Height.

A. One-family detached dwelling: thirty-five (35) feet, and not over two and one-half stories, except as provided in Chapter 17.42.

B. Churches and similar places of worship: seventy-five (75) feet for towers or steeples and not more than forty-five (45) feet for the principal building. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(B))

Section 17.14.040 Lot size.

A. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than twenty-five thousand (25,000) square feet, and a width at the established building line of not less than one hundred twenty-five (125) feet.

B. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one acre in area, and a width at the building line of not less than one hundred seventy-five (175) feet.

C. Public school, elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools, hereafter erected or structurally altered, shall conform to the following minimum standards:

1. Elementary school: five acres, plus one acre per one hundred (100) student design capacity.

2. Junior high school: ten acres, plus one acre per one hundred (100) student design capacity.

3. Senior high school: fifteen (15) acres, plus one acre per one hundred (100) student design capacity. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(C))

Section 17.14.050 Yard areas.

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

A. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than fifty (50) feet in depth.

B. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than twenty (20) feet. The combined total of the side yards for interior lots shall not be less than forty-five (45) feet and the combined total of side yards for corner lots shall not be less than fifty (50) feet. The side yard on each side of a building on a lot of record which is less than one hundred fifty (150) feet in width shall have a width of ten percent of the width of the lot, but shall not be less than twelve (12) feet.

On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than forty (40) feet on each side of the main structure and a combined total of side yards of not less than ninety (90) feet.

C. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than fifty (50) feet, or twenty (20) percent of depth of lot, whichever is larger, but it need not exceed ninety (90) feet. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(D))

Section 17.14.060 Percentage of lot coverage.

All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(E))

Section 17.14.070 Dwelling standards.

Every one-story dwelling hereafter erected in any R-2 one-family district shall have a total ground floor area of not less than one thousand four hundred (1,400) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways and garages. Every dwelling of more than one-story hereafter erected in any R-2 one-family dwelling district shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand eight hundred (1,800) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways and garages, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(F))

Section 17.14.080 Off-street parking facilities.

Off-street parking facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(G))

Section 17.14.090 Accessory building standards.

- A. An accessory building shall have a maximum height of ten feet at the eaves.
- B. Size. An accessory building must be smaller than the primary building, and is limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.
- C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.
- D. Building Material. An accessory building's external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.
- E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.
- F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.
- G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; Ord. 1445 § 4 (part), 1996; prior code § 40-6-2(H))

Section 17.14.100 Street, curbing, guttering and sidewalk construction.

In an R-2 (one-family dwelling zoning district), the public street pavement, curbing and guttering shall be of portland cement concrete construction and portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the city's subdivision code. (Ord. 1735 § 2, 1999)

Section 17.14.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be required to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25') plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.14.110, Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.16

R-3 ONE-FAMILY DWELLING DISTRICT

Sections:

- 17.16.010 Scope.**
- 17.16.020 Permitted uses.**
- 17.16.030 Height.**
- 17.16.040 Lot size.**
- 17.16.050 Yard areas.**
- 17.16.060 Percentage of lot coverage.**
- 17.16.070 Dwelling standards.**
- 17.16.080 Off-street parking facilities.**
- 17.16.090 Accessory building standards.**
- 17.16.100 Street, curbing, guttering and sidewalk construction.**
- 17.16.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.**

Section 17.16.010 Scope.

Within the R-3 one-family dwelling district, the following regulations shall apply. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3 (part))

Section 17.16.020 Permitted uses.

A. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

Any use permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item A., Aeration Windmill Systems.)

Section 17.16.030 Height.

The same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(B))

Section 17.16.040 Lot size.

A. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than sixteen thousand (16,000) square feet, and a width at the established building of not less than one hundred (100) feet, except as provided in Chapter 17.42.

B. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one acre in area, and a width at the building line of not less than one hundred twenty-five (125) feet.

C. Public and Private Schools. Same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(C))

Section 17.16.050 Yard areas.

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

A. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than forty (40) feet.

B. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than fifteen (15) feet. The combined total of side yards for corner lots shall not be less than forty-five (45) feet.”

On lots upon which a church or similar place of worship is constructed or extension made to an existing church or a similar place of worship, there shall be a side yard of not less than thirty (30) feet on each side of the main structure, and a combined total of side yards of not less than sixty-five (65) feet.

C. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet, or twenty (20) percent of the depth of the lot, whichever amount is larger, but it need not exceed fifty (50) feet.

(Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(D))

(Ord. 2393, Amended, 08/15/2005)

Section 17.16.060 Percentage of lot coverage.

All buildings, including accessory buildings shall not cover more than thirty (30) percent of the lot. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(E))

Section 17.16.070 Dwelling standards.

Every one-story dwelling hereafter erected in any R-3 one-family dwelling district shall have a total ground area of not less than one thousand two hundred (1,200) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways and garages. Every dwelling of more than one story hereafter erected in any R-3 one-family dwelling district shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand six hundred (1,600) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways and garages, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(F))

Section 17.16.080 Off-street parking facilities.

Off-street parking facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(G))

Section 17.16.090 Accessory building standards.

A. Height. An accessory building shall have a maximum height of ten feet at the eaves.

B. Size. An accessory building must be smaller than the primary building, and is limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.

C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.

D. Building Material. An accessory building's external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.

E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.

F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.

G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; Ord. 1445 § 4 (part), 1996; prior code § 40-6-3(H))

Section 17.16.100 Street, curbing, guttering and sidewalk construction.

In an R-3 (one-family dwelling zoning district), the public street pavement, curbing and guttering shall be of portland cement concrete construction and portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the city's subdivision code. (Ord. 1735 § 3, 1999)

Section 17.16.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems (“aeration windmills”), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be require to make application and pay the fee for and obtain a building permit for the same from the City’s building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25’)) plus ten additional feet (10’) from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50”) in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.16.110, Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.18

R-4 ONE-FAMILY DWELLING DISTRICT

Sections:

- 17.18.010 Scope.**
- 17.18.020 Permitted uses.**
- 17.18.030 Height.**
- 17.18.040 Lot size.**
- 17.18.050 Yard areas.**
- 17.18.060 Percentage of lot coverage.**
- 17.18.070 Dwelling standards.**
- 17.18.080 Parking facilities.**
- 17.18.090 Accessory building standards.**
- 17.18.100 Street, curbing, guttering and sidewalk construction.**
- 17.18.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.**

Section 17.18.010 Scope.

Within the R-4 one-family dwelling district, the following regulations shall apply. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4 (part))

Section 17.18.020 Permitted uses.

A. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

Any use permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item A., Aeration Windmill Systems.)

Section 17.18.030 Height.

The same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(B))

Section 17.18.040 Lot size.

A. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than ten thousand five hundred (10,500) square feet, and a width at the established building line of not less than eighty (80) feet, except as provided in Chapter 17.42.

B. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than fifteen thousand (15,000) square feet and a width at the building line of not less than ninety (90) feet.

C. Public and Private Schools. Same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(C))

Section 17.18.050 Yard areas.

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

A. Front Yard. Same regulations shall apply as required or permitted in the R-3 one-family dwelling district.

B. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard of not less than twelve (12) feet. The combined total of side yards for corner lots shall not be less than forty-five (45) feet.

C. Rear Yard. Same regulations shall apply as required or permitted in the R-3 one-family dwelling district.

(Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(D))

(Ord. 2393, Amended, 08/15/2005)

Section 17.18.060 Percentage of lot coverage.

All buildings, including accessory buildings shall not cover more than thirty (30) percent of the area of the lot. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(E))

Section 17.18.070 Dwelling standards.

No minimum floor area shall be required as a part of this chapter. However, no building permit or occupancy permit for a new dwelling structure shall be granted, except that the structure meets the full requirements of all codes and ordinances of the municipality. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(F))

Section 17.18.080 Parking facilities.

Parking facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(G))

Section 17.18.090 Accessory building standards.

A. Height. An accessory building shall have a maximum height of ten feet at the eaves.

B. Size. An accessory building must be smaller than the primary building, and is

limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.

C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.

D. Building Material. An accessory building's external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.

E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.

F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.

G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; Ord. 1445 § 4 (part), 1996; prior code § 40-6-4(H))

Section 17.18.100 Street, curbing, guttering and sidewalk construction.

In an R-4 (one-family dwelling zoning district), the public street pavement, curbing and guttering shall be of portland cement concrete construction and portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the city's subdivision code. (Ord. 1735 § 4, 1999)

Section 17.18.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be required to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required

to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25')) plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.18.110, Aeration of windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.20

R-5 ONE-FAMILY DWELLING DISTRICT

Sections:

17.20.010	Scope.
17.20.020	Permitted uses.
17.20.030	Height.
17.20.040	Lot size.
17.20.050	Yard areas.
17.20.060	Percentage of lot coverage.
17.20.070	Dwelling standards.
17.20.080	Off-street parking facilities.
17.20.090	Accessory building standards.
17.20.100	Street, curbing, guttering and sidewalk construction.
17.20.110	Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

Section 17.20.010 Scope.

Within the R-5 one-family dwelling district, the following regulations shall apply. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-5 (part))

Section 17.20.020 Permitted uses.

A. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

Any use permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-5(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item A., Aeration Windmill Systems.)

Section 17.20.030 Height.

The same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-5(B))

Section 17.20.040 Lot size.

A. Every one-family detached dwelling hereafter erected shall be on a lot having an area of not less than eight thousand five hundred (8,500) square feet, and a width at the established building line of not less than seventy (70) feet and a minimum depth of one hundred twenty (120) feet.

B. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at

the building line of not less than seventy-five (75) feet.

C. Public and Private Schools. Same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-5(C))

(17.20.040 (Ord. 2208), Amended, 09/22/2003)

Section 17.20.050 Yard areas.

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

A. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than forty (40) feet.

B. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than ten (10) feet or ten (10%) percent of the width of the lot, whichever amount is larger, but the side yard need not exceed fifteen (15) feet in width.

C. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is larger, but it need not exceed forty-five (45) feet.

(Ord. 1445 § 4 (part), 1996; prior code § 40-6-5(D))

(Ord. 2393, Amended, 08/15/2005; 17.20.050 (Ord. 2208), Amended, 09/22/2003)

Section 17.20.060 Percentage of lot coverage.

All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.

(17.20.060 (Ord. 2208), Amended, 09/22/2003)

Section 17.20.070 Dwelling standards.

No minimum floor area shall be required as a part of this chapter. However, no building permit or occupancy permit for a new dwelling structure shall be granted, except that the structure meets the full requirements of codes and ordinances of the municipality. (Ord. 1445 § 4

(part), 1996; prior code § 40-6-5(F))

Section 17.20.080 Off-street parking facilities.

Off-street parking facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-5(G))

Section 17.20.090 Accessory building standards.

A. Height. An accessory building shall have a maximum height of ten feet at the eaves.

B. Size. An accessory building must be smaller than the primary building, and is limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.

C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.

D. Building Material. An accessory building's external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.

E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.

F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.

G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; Ord. 1445 § 4 (part), 1996; prior code § 40-6-5(H))

Section 17.20.100 Street, curbing, guttering and sidewalk construction.

In an R-5 (one-family dwelling zoning district), the public street pavement, curbing and guttering shall be of portland cement concrete construction and portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the city's subdivision code. (Ord. 1735 § 5, 1999)

Section 17.20.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are

located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be required to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25') plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.20.110, Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.22

R-6 ONE-FAMILY DWELLING DISTRICT

Sections:

17.22.010	Scope.
17.22.020	Permitted uses.
17.22.030	Height.
17.22.040	Lot size.
17.22.050	Yard areas.
17.22.060	Percentage of lot coverage.
17.22.070	Dwelling standards.
17.22.080	Off-street parking facilities.
17.22.090	Accessory building standards.
17.22.100	Street, curbing, guttering and sidewalk construction.
17.22.110	Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

Section 17.22.010 Scope.

Within the R-6 one-family dwelling district, the following regulations shall apply. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-6 (part))

Section 17.22.020 Permitted uses.

A. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

Any use permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item A., Aeration Windmill Systems.)

Section 17.22.030 Height.

The same regulations shall apply as required or permitted in the R-2 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(B))

Section 17.22.040 Lot size.

A. Every one-family detached dwelling hereafter erected shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet; and a width at the established building line of not less than sixty (60) feet, and, a minimum depth of one hundred twenty-five (125) feet.

B. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the building line of not less than seventy-five (75) feet.

C. Public and Private Schools. Same regulations shall apply as required or permitted in the R-2 one-family dwelling district.

(Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(C))

(Ord. 2393, Amended, 08/15/2005)

Section 17.22.050 Yard areas.

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

A. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than forty (40) feet.

B. Side Yard. On each lot on which a dwelling is constructed, there shall be a side yard on each side of not less than six (6) feet; or ten percent (10%) of the width of the lot, whichever amount is larger, but each side yard need not exceed fifteen (15) feet in width.

C. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet, or twenty (20) percent of the depth of the lot, whichever amount is larger, but it need not exceed forty-five (45) feet.

(Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(D))

(Ord. 2393, Amended, 08/15/2005)

Section 17.22.060 Percentage of lot coverage.

All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the area of the lot. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(E))

Section 17.22.070 Dwelling standards.

No minimum floor area shall be required as a part of this chapter. However, no building permit or occupancy permit for a new dwelling structure shall be granted, except that the structure meets the full requirements of codes and ordinances of the municipality. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(F))

Section 17.22.080 Off-street parking facilities.

Off-street parking facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(G))

Section 17.22.090 Accessory building standards.

A. Height. An accessory building shall have a maximum height of ten feet at the eaves.

B. Size. An accessory building must be smaller than the primary building, and is limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.

C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.

D. Building Material. An accessory building' s external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.

E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.

F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.

G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; Ord. 1445 § 4 (part), 1996; prior code § 40-6-6(H))

Section 17.22.100 Street, curbing, guttering and sidewalk construction.

In an R-6 (one-family dwelling zoning district), the public street pavement, curbing and guttering shall be of portland cement concrete construction and portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the city' s subdivision code. (Ord. 1735 § 6, 1999)

Section 17.22.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be require to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said

Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25') plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level

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and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.22.110, Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.24

R-7 MULTIPLE-FAMILY DWELLING DISTRICT

Sections:

17.24.010	Scope.
17.24.020	Permitted uses.
17.24.030	Height.
17.24.040	Lot size.
17.24.050	Yard areas.
17.24.060	Percentage of lot coverage.
17.24.070	Dwelling standards.
17.24.080	Off-street parking and loading facilities.
17.24.090	Accessory building standards.
17.24.100	Street, curbing, guttering and sidewalk construction.
17.24.110	Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

Section 17.24.010 Scope.

Within the R-7 multiple-family dwelling district, the following regulations shall apply. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7 (part))

Section 17.24.020 Permitted uses.

- A. Any use permitted in the R-2 one-family dwelling district;
- B. Two-family dwellings and multiple dwellings not to exceed eight dwelling units or apartments per structure;
- C. One-family row dwellings with not more than eight dwelling units in one building;
- D. Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- E. Aeration Windmill Systems for aeration of ponds and lakes as an accessory use incidental and subordinate to the principal use of the property on which they are located.

(Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(A))

(Ordinance No. 2730, Amended, 07/06/2009, Added Item E., Aeration Windmill Systems.)

Section 17.24.030 Height.

The same regulations shall apply as permitted in the R-2 one-family dwelling district, except that multiple-family dwellings shall be not more than four stories, or forty-five (45) feet in height. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(B))

Section 17.24.040 Lot size.

- A. One-Family Dwellings. The same regulations shall apply as permitted in the R-5

one-family dwelling district.

B. Multifamily Dwellings and Row Houses. Every building hereafter erected or structurally altered as a multifamily dwelling or as a row house shall provide a lot area per dwelling unit of not less than three thousand (3,000) square feet per unit for a two-unit building and one thousand five hundred (1,500) square feet per unit for three to eight units per building, and the width of the lot at the building line shall be not less than thirty (30) feet plus: (i) a distance equal to the product derived from multiplying the number of first floor (or ground level) dwelling units times twenty (20) foot per unit; or (ii) the horizontal width of the building housing the multiple dwelling units measured at the ground level, whichever is more.

C. Churches and Similar Places of Worship. The same regulations shall apply as required in the R-5 one-family dwelling district. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(C))

Section 17.24.050 Yard areas.

A. Front Yard. Each lot on which a one-family or a multiple-family dwelling is constructed shall have a front yard of not less than thirty (30) feet.

B. Side Yard. On each lot upon which a single-family or multiple-family dwelling is constructed, there shall be a side yard on each side of the dwelling of not less than fifteen (15) feet in width.

C. Rear Yard. Each lot upon which a one-family dwelling or multiple-family dwelling is constructed shall have a rear yard of not less than thirty-five (35) feet. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(D))

Section 17.24.060 Percentage of lot coverage.

The total of all structures (including buildings, parking lots and driveways) constructed or erected on a lot in a multiple-family dwelling district shall not cover more than fifty-five (55) percent of the area of the lot. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(E))

Section 17.24.070 Dwelling standards.

A. Each dwelling unit hereafter erected, converted, or reconstructed in any R-7 multiple-family dwelling district shall contain floor area in compliance with the following:

1. One-family dwellings shall have a total ground floor area of not less than nine hundred (900) square feet, measured from the outside of the exterior walls, excluding utility rooms and excluding cellars, basements, open porches, breezeways and garages and other areas not used for living space.

2. Every multiple-family dwelling unit shall have a total floor area measured from the outside of the exterior walls, excluding utility rooms and excluding cellars, basements, open porches, breezeways, garages and other areas not utilized for living space, as follows:

Minimum Square Foot Number of Bedrooms of Floor Area

1	750 sq. ft.
2	1,000 sq. ft.

- 3 1,250 sq. ft.
- 4 1,500 sq. ft.

B. As authorized by Section 11-30-4 of the Illinois Municipal Code (65 ILCS 5/11-30-4) for fire and life safety, the exterior walls of all multiple-family dwellings must be constructed of brick, brick veneer, stone or comparable masonry type noncombustible building materials, on all sides of the building containing the dwelling units.

C. Exterior lighting on lots improved by multiple-family dwellings will be constructed and installed in such a manner that the main beam of light from each light source shall be directed away from neighboring properties, and to the extent practicable, confined to the area of the subject lot.

D. A buffer zone must be provided between lots in this zoning district which are developed for multifamily housing and lots that are developed for single-family housing. The buffer zone may be provided by a planting or landscape screen or by fencing that complies with this code. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(F))

E. (1) Masonry Coverage Requirement for Single Family Dwellings. For real estate subdivisions the final subdivision plats for which are approved by the city's city council after the 3rd day of January, 2006, the exterior walls of single family dwelling houses constructed in this zoned district shall be constructed in compliance with the following minimum exterior building materials requirements:

(A) A minimum of three (3) sides (profiles) of the exterior walls of fifty per centum (50%) of the single family dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city's city council, after considering the recommendation of the city's building commissioner and/or the city's architectural review committee]).

(B) The front façade (the profile of the dwelling house facing the street) of thirty per centum (30%) of the single family dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city's city council after considering the recommendation of the city's building commissioner and/or the city's architectural review committee]).

(C) The exterior walls of twenty per centum (20%) of the single family dwelling houses to be constructed on lots located in the subdivision may be constructed of building materials other than face brick, which may include but shall not be required to be limited to stucco, vinyl siding, wood siding, or cement board lap siding.

(2) Variations from Masonry Coverage Requirement for Single Family Dwellings. Notwithstanding the exterior wall masonry building coverage requirement contained in the preceding Sub-subsections E. (1), when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the requirements contained in Sub-subsection E. (1) above would result in peculiar and

exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the city council shall be empowered to authorize, upon application in regard to such property, a variance from such requirements to allow the dwelling house to be constructed on the property to be constructed of materials other than as is required by said Sub-subsection E. (1) provided: (i) the proposed materials are authorized and approved by the Building Codes of Columbia in effect at the time of reference; and, (ii) the proposed materials are authorized by the city council (with the advice and/or recommendation of the city's building commissioner and/or the city's architectural review committee). In granting a variance to a property owner pursuant to this subsection of this section of this code, economic hardship caused to a property owner resulting from the cost of exterior building wall brick masonry construction as compared to the cost of alternative exterior building wall building material construction authorized and approved by the Building Codes of Columbia in effect at the time of referenda shall not be a factor to be considered by the city council. Such economic hardship caused to a particular property owner shall not constitute a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the property owner justifying relief from the strict application of the requirements of subsection E. (1) above.

(3) General Requirements for Single Family Dwellings in Multiple-Family Zoned Dwelling District Subdivisions. Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the City for city council approval shall depict on the plat drawing and shall state in a note or chart on the plat which single family subdivision lots shall be restricted to a minimum of three (3) sides (profiles) exterior brick masonry walls, which of such lots shall be restricted to a minimum of a front façade wall (profile) exterior masonry brick requirement and which of such lots shall be unrestricted as to an exterior wall brick masonry requirement. For ease of reference, the following code (or abbreviations) may be depicted on the single family dwelling subdivision lots on the plat drawing and used on the chart with reference to the subject restrictions: (1) for three (3) sides brick – (B3), (2) for front façade brick - (BF) and (3) for unrestricted lots - (0).

Plat submittals which lack the number of single family dwelling building lots to fully satisfy the exterior wall masonry brick restriction percentages required by subsection E. 1 above, shall be required to favor the more restrictive over the less restrictive or unrestricted building lots exterior wall brick masonry requirement. So that, for example:

(A) if there are only three (3) single family dwelling building lots in a subdivision, two (2) of those building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining one (1) single family dwelling building lot shall be subject to the front wall brick facade (BF) restriction;

(B) if there are only five (5) single family dwelling building lots in a subdivision, three (3) of those building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining two (2) of those building lots shall be subject to the front façade brick wall (BF) restriction; and,

(C) if there are only six (6) single family dwelling building lots in a subdivision, three (3) of those building lots shall be subject to the three (3) sides brick wall (B3) restriction, two (2) of those building lots shall be subject to the front façade brick wall (BF) restriction and the remaining one (1) of those building lots will not be subject to a exterior wall brick masonry construction restriction.

The application of the exterior wall brick masonry requirement percentages required by subsection E. (1) above shall be determined by the number of lots in a subdivision and not by the square footage of the bulk area of a subdivision or by some other method of measurement. The subdivider shall be required to select the location of the restricted and the unrestricted lots, in accordance with the requirements of subsection E. (1) above, at the time of the subdivider's first subdivision plat submittal to the City (that is, at the time of preliminary plat submittal for other than minor subdivisions and at the time of final plat submittal for minor subdivisions).

The exterior wall brick masonry requirement restriction that attaches to each single family dwelling building lot in a subdivision shall be a minimum construction requirement and shall run with the land to which the restriction pertains. After final platting of a subdivision, a restricted lot may be exchanged for an unrestricted lot or less restricted lot in the subdivision as follows:

(1) The city engineer and/or his/her designated representative may approve, in writing, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or a less restricted lot provided the masonry coverage requirement of subsection E (1) above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the single family dwelling lots located within a subdivision to which this masonry coverage requirement applies, the next successive transfer or exchange of a masonry coverage requirement for a lot in the subdivision shall require a replatting of the subdivision before the city engineer and/or his/her designated representative may continue to approve, in writing, additional future single family dwelling masonry coverage requirement transfers or exchanges for lots in the subdivision; and,

(ii) Prior to the issuance of the final building permit for a subdivision to which the masonry coverage requirement applies, all modifications from the masonry coverage requirement of subsection E. (1) above must be depicted on an amended final subdivision plat of record, which shall require a replatting of the subdivision to be approved by the city's city council.

(2) The replatting required by the preceding subparagraphs (i) and (ii) of section (1) hereof in order to reflect the change in the masonry coverage requirement for the single family dwelling lots in the subdivision shall involve city council approval of an amended final subdivision plat for the subdivision by the city's city council, as in cases involving city council approval of a minor subdivision plat, and shall not require approval of a preliminary subdivision plat by the city council before city council approval of the amended final subdivision plat.

Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) which is located in an R-7 multiple-family zoned district in the City and which includes single family dwelling lots that is submitted to the city's city council for approval shall state in the notes on the plat that the masonry coverage requirement for single family dwelling lots depicted on the plat is subject to change with the approval of the city engineer and/or his/her designated representative and/or by replatting of the subdivision approved by the city's city council, as is made and provided for in this chapter 17.24 of the City of Columbia, Illinois Zoning Code and section 15.71.020 of the City of Columbia, Illinois Building and Construction Code."

Subsections E, F and G of Section 17.24.070 is hereby repealed per Ordinance No. 2713 - Passed and approved 04/06/2009 - See below.

E. Variations from Masonry Coverage Requirement. Notwithstanding the exterior wall masonry building coverage requirement contained in the preceding subsection A, when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the requirements contained in subsection A above would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the city council shall be empowered to authorize, upon application in regard to such property, a variance from such requirements to allow the dwelling house to be constructed on the property to be constructed of materials other than as is required by said subsection A provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at the time of reference; and, (ii) the proposed materials are authorized by the city council (with the advice and/or recommendation of the city's zoning administrator and/or the city's architectural review committee). In granting a variance to a property owner pursuant to this subsection of this section of this code, economic hardship caused to a property owner resulting from the cost of exterior building wall brick masonry construction as compared to the cost of alternative exterior building wall building material construction authorized and approved by the Columbia Building Codes shall not be a factor to be considered by the city council. Such economic hardship caused to a particular property owner shall not constitute a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the property owner justifying relief from the strict application of the requirements of subsection A above.

F. General Requirements. Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the city for city council approval shall depict on the plat drawing and shall state in a note or chart on the plat which lots shall be restricted to a minimum of three (3) sides (profiles) exterior brick masonry walls, which lots shall be restricted to a minimum of a front façade wall (profile) exterior masonry brick requirement and which lots shall be unrestricted as to an exterior wall brick masonry requirement. For ease of reference, the following code (or abbreviations) may be depicted on the lots on the plat drawing and used on the chart with reference to the

subject restrictions: (1) for three (3) sides brick – (B3), (2) for front façade brick - (BF) and (3) for unrestricted lots - (0).

Plat submittals which lack the number of building lots to fully satisfy the exterior wall masonry brick restriction percentages required by subsection A above, shall be required to favor the more restrictive over the less restrictive or unrestricted building lots exterior wall brick masonry requirement. So that, for example: (A) if there are only three (3) building lots in a subdivision, two (2) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining one (1) building lot shall be subject to the front wall brick facade (BF) restriction; (B) if there are only five (5) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction; and, (C) if there are only six (6) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction, two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction and the remaining one (1) building lot will not be subject to a exterior wall brick masonry construction restriction.

The application of the exterior wall brick masonry requirement percentages required by subsection A above shall be determined by the number of lots in a subdivision and not by the square footage of the bulk area of a subdivision or by some other method of measurement. The subdivider shall be required to select the location of the restricted and the unrestricted lots, in accordance with the requirements of subsection A above, at the time of the subdivider's first subdivision plat submittal to the city (that is, at the time of preliminary plat submittal for other than minor subdivisions and at the time of final plat submittal for minor subdivisions).

The exterior wall brick masonry requirement restriction that attaches to each building lot in a subdivision shall be a minimum construction requirement; shall run with the land to which the restriction pertains; and a restricted lot may not be exchanged for an unrestricted lot or less restricted lot in the subdivision (and thereby be relieved of its exterior wall building material restriction), except by a replatting of the subdivision approved by the city's city council."

(Ordinance No. 2713, Amended, 04/06/2009, Amended 17.24.070 ; Ordinance No. 2713, Amended, 04/06/2009, Amend the Exterior Wall Masonry Coverage Requirements for Single Family Dwelling Homes located in a Multiple Family Dwelling Zoned District.; Ordinance No. 2713, Amended, 04/06/2009, B. Changed "veneer" to "brick veneer" and "incombustible" to "noncombustible."; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Codes to Columbia Building Codes.; Ordinance No. 2532, Repealed, 02/19/2007, Repealed Masonry coverage requirement - 17.12.075, 17.18.075, 17.20.075, 17.22.075, & Subsection E of 17.24.070.; 17.24.070 Dwelling Standards., Added, 01/03/2006, Added Brick Ordinance to Zoning Code.; 17.24.070 Dwelling standards, Added, 01/03/2006, Added Brick Ordinance to Zoning Code.)

Section 17.24.080 Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as specified in Chapter 17.44. (Ord. 1445 § 4 (part), 1996; Ord. 1383 § 1 (part), 1995: prior code § 40-6-7(G))

Section 17.24.090 Accessory building standards.

A. Height. An accessory building shall have a maximum height of ten feet at the eaves.

B. Size. An accessory building must be smaller than the primary building, and is limited to a maximum exterior perimeter dimension of nine hundred (900) square feet when measured at ground level.

C. Foundation. An accessory building must be placed on a foundation consisting of a nonmovable concrete slab, concrete piers and/or concrete block with footings, as required by the building inspector.

D. Building Material. An accessory building' s external building material must either be of horizontal lap siding of wood, vinyl, metal, brick or masonry; or of vertical wood panel siding. Vertical metal siding is not allowed. Roofing material must consist of asphaltic composite wood shake, slate, tile or rubber.

E. Rear Yard. An accessory building must not be built within five feet of the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard.

F. Side Yard. An accessory building must meet the side yard requirements of the district in which the building is to be located.

G. Front Yard. An accessory building is not allowed in a front yard and no accessory buildings may be closer to the street than the main building. (Ord. 1526 § 1 (part), 1996; Ord. 1445 § 4 (part), 1996; prior code § 40-6-7(H))

Section 17.24.100 Street, curbing, guttering and sidewalk construction.

In an R-7 (multi-family dwelling zoning district), the public street pavement, curbing and guttering shall be of Portland cement concrete construction and Portland cement concrete sidewalks shall be required on both sides of the street. Street and sidewalk construction shall be in compliance with the city' s subdivision code. (Ord. 1735 § 7, 1999)

Section 17.24.110 Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.

A. Permitted Windmill Systems. Only wind driven aerations systems ("aeration windmills"), which do not generate electric power and which pump oxygen into air lines located in ponds or lakes to air diffusers located at the bottom of the lake or pond, which air diffusers turn the compressed air into oxygen bubbles which rise through the water and remove pollutants in the water that stagnate and deplete the oxygen from the pond or lake and which aeration windmills are accessory to the primary use of the property on which they are located, are allowed in this zoned district. Windmills that are proposed to be used for any other use or purpose are prohibited, except as shall be otherwise allowed in an agricultural zoned district in the City under this zoning code.

B. Building Permit Required. Any person or party seeking to locate and install an aeration windmill on property located in this zoned district shall be require to make application and pay the fee for and obtain a building permit for the same from the City's building inspector in accordance with the requirements of Chapter 15.04 of this Municipal Code and this section of said

Municipal Code. In order to obtain a building permit for installation of an aeration windmill the following shall be required:

(1) Supporting Data. A site plan, construction design plan and other construction information the building inspector shall reasonably require (including the anchoring and grounding of the structure) shall be required to be submitted with the application for the building permit. The same shall be subject to the review and approval of the City Building Inspector before the building permit for the same may be issued by the building inspector.

(2) Height Restriction. The maximum height of the aeration windmill structure and anchoring appurtenances measured from the surrounding surface elevation of the ground where it is located (disregarding fill placed to increase the elevation of the windmill structure) shall not be greater than twenty-five (25) lineal feet.

(3) Setback. No aeration windmill structure shall be located closer than a distance equal to the authorized height of the structure (not to exceed twenty feet lineal feet (25') plus ten additional feet (10') from any boundary or lot line of the property on which the structure is located.

(4) Fencing. All aeration windmills shall be enclosed with fencing that is a minimum of fifty inches (50") in height to avoid the windmill becoming an attractive nuisance for children and for public safety.

(5) Abandonment. In the event the operation and use of the aeration windmill is discontinued for the period of eight (8) consecutive months the structure shall be deemed abandoned and shall no longer be a permitted use in this zoned district. Thereafter, the property owner shall be required to remove the same from this zoned district in the City within thirty (30) days or the owner of the property where the structure is located shall have to obtain another building permit for the same.

(6) Mounting. The aeration windmill structure shall be permanently mounted to the ground and shall not be mounted on a portable or movable structure.

(7) Stability. A permitted aeration windmill shall be designed and installed so as to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

(8) Grounding. Every permitted aeration windmill shall be properly connected to a grounding rod, being a metal pole permanently positioned in the ground to serve as an electric conductor through which electrical current may safely pass and dissipate.

(9) Number. Generally, only one (1) aeration windmill shall be permitted for a lake or pond in this zoned district.

(10) Screening. Every ground mounted aeration windmill shall be screened so that it is not easily visible between ground level

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and ten feet (10') above ground level from any public right-of-way or an adjoining lot. Such screening may consist of fencing, dense plantings which constitute an effective visual barrier year-round, earthen berm, or a combination of these."

(Ordinance No. 2730, Added, 07/06/2009, Added Section 17.24.100, Aeration windmill systems for aeration of ponds and lakes - supplemental regulations.)

Chapter 17.26**C-1 NEIGHBORHOOD BUSINESS DISTRICT****Sections:**

- 17.26.010 Purpose.**
- 17.26.020 Permitted uses and uses permitted by special use permit only.**
- 17.26.030 Conditions of use.**
- 17.26.040 Height of buildings.**
- 17.26.050 Yard areas.**
- 17.26.060 Off-street parking and loading facilities.**
- 17.26.070 Building materials allowed for exterior walls.**
- 17.26.080 Screening of rooftop mechanical units required.**
- 17.26.090 Business area and business building area standards.**

Section 17.26.010 Purpose.

A neighborhood business district is intended to provide for certain limited sales and service facilities located in residential areas to provide a convenience to residents of the immediate neighborhood. Such districts are limited in size and facilities to preserve and protect the general character of the residential areas surrounding such districts. (Ord. 740 § 1 (part), 1989; prior code § 40-7-1 (part))

Section 17.26.020 Permitted uses and uses permitted by special use permit only.**A. Permitted uses.**

Except as otherwise provided in Chapter 17.40 (SPECIAL USES) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof, no building or land shall be used, and no building shall be erected, structurally altered, or enlarged except for the following uses which are declared to be permitted uses in a C-1 (neighborhood business zoned district):

1. Art and school supply stores;
2. Bakery shops, retail;
3. Book and stationary stores;
4. Camera and photographic supply stores;
5. Coin and stamp stores;
6. Financial Institutions including Financial Institutions with Drive-Through Facilities;
7. Florists shop (no greenhouse);
8. Gift and souvenir shops (no novelty shops);

9. Hair, nail, and skin care including barber shops and beauty salons;
10. Hobby, toy, and game stores;
11. Municipal buildings and facilities for governmental uses and purposes, proprietary uses and purposes, or combination of both government and proprietary uses and purposes
12. Notion shops, and clothing alterations;
13. Offices, business and professional;
14. Public service facilities, including electric distributing substations, fire or police stations, telephone exchange, and similar uses;
15. Restaurants, tea rooms and cafes;
16. Tanning and therapeutic massage;
17. Travel bureau/ticket offices

B. Uses permitted only by a special use permit.

The following uses shall be permitted in a C-1 (neighborhood business zoned district) in the city by special use permit only, in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Ancillary entertainment;
2. Apparel and accessory stores;
3. Artificial lake or pond;
4. Bicycle stores;
5. Blue print/copy establishments;
6. Clothing sales/costume rental shops;
7. Custom sign shops;
8. Day care or day nursery - infant, child and adult centers;
9. Dry cleaning/laundry receiving stations;
10. Interior decorating shops;
11. Jewelry and watch repair shops;
12. Leather goods and luggage sales stores;

13. Music conservatory and musical instrument establishments;
14. Novelty shops;
15. Office supplies and sales stores;
16. Packaged alcoholic liquor sales;
17. Picture framing and retail sales stores;
18. Shoe and leather repair stores;
19. Tailor shops

(Ordinance No. 3188, Amended, 06/15/2015, Added Financial Institutions including Financial Institutions with Drive-Through Facilities.; Ord. 2449, Amended, 03/20/2006, Amended Section 17.26.020 - B- Uses permitted only by a special use permit.; Ord. 2449, Amended, 03/20/2006, Amended Section 17.26.020 - A - Permitted uses.; Ord. 2417, Amended, 12/05/2005, Added permitted uses and uses permitted only by special use permit.; 17.26.020 (Ord. 2129), Amended, 01/20/2003)

Section 17.26.030 Conditions of use.

Except as herein, or in other codes and ordinances of the city is provided, all business uses permitted in a C-1 neighborhood business district shall be establishments dealing directly with consumers and shall be subject to the following conditions:

- A. Dwelling units are not permitted below the ground floor level.
- B. Restaurants, tea rooms, and cafés shall be allowed outdoor seating, service, and/or designated smoking areas, provided they shall not be located within 50 feet of a property parcel used for residential purposes or zoned for residential uses (R-1 through R-7 zoning districts). Such outdoor areas located in yards that adjoin residential properties shall not be used or occupied later than 9:30 p.m. daily
- C. Establishments of the drive-in or drive-thru type are not permitted, unless expressly allowed herein as a listed permitted use or special use
- D. There shall be no manufacturing, assembling, processing, fabricating or treatment of products other than those which are clearly incidental and essential to the business conducted on the same premises.
- E. Any exterior signs displayed shall comply with the city sign code.
- F. Business hours are to be established by the city council. (Ord. 740 § 1 (part), 1989: prior code § 40-7-1(B))
- G. The amplification of music, voice, or other sounds is prohibited in outdoor locations. Likewise, sounds shall not be amplified from within a structure in such a manner to be deliberately heard in an outdoor location (i.e. through an open door or window) or to be heard beyond the property boundaries.”

(Ord. No. 3523, Amended, 06/15/2020, Amended 10.26.030(B) and 10.26.030(C) and added 10.26.030(G))

Section 17.26.040 Height of buildings.

The height of all buildings or structures shall be determined by the average ground elevation at the building perimeter plus forty (40) feet. (Ord. 1257 § 1 1994: Ord. 740 § 1 (part), 1989: prior code § 40-7-1(C))

Section 17.26.050 Yard areas.

No building or structure shall be constructed or enlarged unless the following yards are

provided and maintained in connection with such buildings.

A. Front Yard. A front yard of thirty (30) feet shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in an R district, all of which front the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the abutting R district.

B. Side Yard. No side yard shall be required except for a corner lot which abuts an R district, or upon an alley separating this district from an R district. There shall then be provided a side yard equal to one-half the front yard required in the abutting R district, but in no case, more than ten feet. The same setback shall apply also if business buildings front the intersecting street, commonly referred to as the side street.

C. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that a one-story accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line or alley line for the storage of motor vehicles and the unloading and loading of vehicles under roof. (Ord. 740 § 1 (part), 1989: prior code § 40-7-1(D))

Section 17.26.060 Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required in Chapter 17.44. (Ord. 740 § 1 (part), 1989: prior code § 40-7-1(E))

Section 17.26.070 Building materials allowed for exterior walls.

The following building materials, and none others, shall be allowed in the construction of the exterior walls of buildings and structures constructed and installed in a C-1 Neighborhood Business Zoned District in the City:

A. The exterior walls of a building or structure that is visible from a public right-of-way shall be constructed of one or more of the following: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; or, (f) glass.

B. The exterior walls of a building or structure that is not visible from a public right-of-way shall be constructed of one or more of the following: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; or, (f) glass.

OLD (ITEM C AMENDED BY ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010)

C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-1 Neighborhood Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and/or recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee).

NEW 17.26.070(C) is changed and amended to read as follows per Ordinance No. 2821 passed & approved 11/15/2010:

C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-1 Neighborhood Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee).

(Ordinance No. 2821, Amended, 11/15/2010, Zoning Subsection 17.26.070(C) Amended.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Code to Columbia Building Codes.; 17.26.070 (Ord. 2192), Added, 07/07/2003; 17.26.070 (Ord. 2175), Added, 05/19/2003)

Section 17.26.080 Screening of rooftop mechanical units required.

Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by enclosing the mechanical equipment in a mechanical penthouse.

(17.26.080 (Ord. 2154), Added, 03/17/2003, Added Screening of Rooftop Mechanical Units Required.)

Section 17.26.090 Business area and business building area standards.

Every business hereafter located in a C-1 Neighborhood Business Zoned District shall have an interior ground floor area measured from the interior walls of not to exceed 4000 square feet and every building hereafter located in a C-1 Neighborhood Business Zoned District in which one or more businesses are located shall have a total ground floor area measured from the outside of the exterior walls of the building of not to exceed 16,000 square feet.

(Ord. 2449, Added, 03/20/2006, Added new Section 17.26.090.)

Chapter 17.28**C-2 GENERAL BUSINESS DISTRICT****Sections:**

- 17.28.010** Permitted uses and uses permitted by special use permit only.
- 17.28.015** Mixed-Use Development
- 17.28.020** Conditions of use.
- 17.28.030** Height of building.
- 17.28.040** Yard areas.
- 17.28.050** Automobile service stations supplementary regulations.
- 17.28.060** Off-street parking and loading facilities.
- 17.28.070** Building materials allowed for exterior walls.
- 17.28.080** Screening of rooftop mechanical units required.
- Section 17.28.010** Permitted uses and uses permitted by special use permit only.

A. Permitted uses.

Except as otherwise provided in Chapter 17.40 (SPECIAL USES) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof, no building or land shall be used, and no building shall be erected, structurally altered, or enlarged except for the following uses which are declared to be permitted uses in a C-2 (general business zoned district):

1. Amusement establishments, including bowling alleys, billiard halls, skating rinks, and other similar places of recreation conducted wholly within a completely enclosed building;
2. Ancillary entertainment, being those uses where the entertainment function typically consists of background listening music, either live or programmed, at eating, drinking, or other establishments;
3. Antique shops;
4. Apparel and accessories stores;
5. Art and school supply stores;
6. Art galleries and studios;
7. Auditoriums;
8. Auto accessory stores;
9. Bakery shops, for the baking and processing of food products when prepared for retail sale on the premises;
10. Banks and financial Institutions;
11. Bicycle stores, including rental and repair;
12. Blueprinting and copying establishments;
13. Book and stationery stores;
14. Business college;
15. Business college or business school, operated as a business enterprise;
16. Cabinet, woodworking and upholstery shops, if conducted wholly within a completely enclosed building;
17. Camera and photographic supply stores;
18. Caskets and casket supplies;

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19. Catering establishments;
20. China and glassware stores;
21. Churches;
22. Clothing sales and costume rental shops;
23. Coin and stamp stores;
24. Computer stores;
25. Construction contractors (office only);
26. Custom sign and painting shops if conducted wholly within a completely enclosed building;
27. Department stores;
28. Drug stores;
29. Dry goods or notion stores;
30. Dry-cleaning and laundry-receiving stations;
31. Dry-cleaning establishments when employing facilities for the cleaning and pressing of dry goods for retail trade only;
32. Dwelling units when located above the ground floor, if business uses or premises designed for such uses occupy the ground floor;
33. Electrical appliance store and repair shops;
34. Florist shops and botanical conservatories;
35. Fraternal organizations;
36. Gift, novelty, and souvenir shops;
37. Gun and ammo sales and services;
38. Hair, nail, and skin care, including barber shops and beauty shops;
39. Hardware stores;
40. Hobby shops;
41. Household appliance stores and repair shops;
42. Interior decorating shops;
43. Jewelry and watch repair stores and shops;
44. Laundromats for direct consumer use (limited to automatic, self-service type);
45. Leather goods and luggage stores;
46. Liquor stores, limited to sale of packaged goods;
47. Locksmith shops;
48. Lounges, taverns and pubs;
49. Meat markets;
50. Medical and dental clinics and laboratories;
51. Motor vehicle repair and body shops, excluding tractor trailers and industrial equipment;
52. Municipal buildings and facilities for governmental uses and purposes, proprietary uses and purposes, or combination of both government and proprietary uses and purposes;
53. Music conservatory or music instruction establishments;
54. Newsstands;
55. Office supplies, sales, and services;
56. Offices, business and professional;
57. Paint and wallpaper stores;
58. Pet shops;
59. Photograph developing and processing shops;
60. Physical culture and health service establishments, including: gymnasiums, swimming pools, reducing salons, and tanning spas;

61. Picture framing establishments when conducted for retail trade on the premises only;
62. Plumbing showrooms;
63. Post offices;
64. Printing, lithographing or publishing establishments for letter press, business cards, mimeographing, and other similar custom services;
65. Private clubs or lodges;
66. Public service facilities, including electric distributing substations, fire or police stations, telephone exchange, and similar uses;
67. Restaurants, tea rooms and cafes, when establishment is not of the drive-thru or drive-in type; food delivery services are allowed. (Drive-thru type by special use);
68. Schools;
69. Secondhand stores, if conducted wholly within a completely enclosed building;
70. Shoe and hat repair stores;
71. Sign painting shop;
72. Single-family dwelling units that comply with R-6 zoning requirements;
73. Sporting goods stores;
74. Supermarkets;
75. Tailor shops;
76. Tan and therapeutic massage;
77. Taxidermy shops;
78. Termite and pest control businesses;
79. Theaters, excluding drive-in theaters;
80. Ticket agencies, limited to entertainment functions;
81. Tobacco shops, ancillary use to larger facility;
82. Travel bureau and transportation ticket offices;
83. Undertaking establishments and funeral parlors;
84. Video, tape, and discs stores;
85. Wholesale merchandise broker office;

B. Uses permitted only by a special use permit.

The following uses shall be permitted in a C-2 (General Business Zoned District) in the city by special use permit only, in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Artificial lake or pond of one (1) or more acres;
2. Assisted living homes;
3. Short-term rentals;
4. Bulk Ice Dispensing Facility
5. Call Center;
6. College or University;
7. Convalescent homes;
8. Day care centers or day nursery for infant, child, and adult;
9. Drug store drive through facility;
10. Employment agencies;

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11. Feed and seed stores;
12. Financial institution drive-up/drive-thru;
13. Hospitals;
14. Hotels and motels;
15. Lawn and landscaping business
16. Lumber yards;
17. Multiple family dwelling;
18. Nursing homes;
19. Outdoor commercial recreational enterprises;
20. Outdoor display and sales of lawn, garden and nursery stock and supplies;
21. Pet grooming businesses;
22. Restaurant drive-thru type (where food is served to customers remaining in motor vehicle for consumption off premises;
23. Retail Used car and truck sales;
24. Service stations;
25. Senior care homes;
26. Veterinary clinics and/or small animal hospitals

i. Instead of the permitted uses authorized in Section 17.24.020 (B) and (C) multiple-family dwellings allowed in a C-2 General Business District will be limited to four family dwelling units or structures, including condominiums, quadri-plexes, townhouses and row houses.

ii. The percentage of lot coverage in Section 17.24.060 shall not apply in a C-2 General Business District, but instead in a C-2 General Business District all main buildings, accessory buildings, driveways and paved parking lots shall not cover more than fifty-five (55) percent of the area of the lot.

iii. In a C-2 General Business District the fire wall of all multiple-family dwellings hereinafter constructed shall be Columbia Building Code approved fire resistant material from the foundation to the roof line.

iv. As authorized by Section 11-30-4 of the Illinois Municipal Code (65ILCS 5/11-30-4) for fire and life safety all of the exterior walls of multiple-family dwellings in a C-2 General Business District hereafter constructed or renovated or rehabilitated shall be constructed of brick, brick veneer, stone or comparable masonry type incombustible building materials on all sides of the building containing the dwelling units; except that, currently existing multiple-family dwellings that are hereafter renovated or rehabilitated may be restored to their original design without exterior masonry type walls being required.

v. The illumination from on-premises lighting will be so directed as to not cause direct light to encroach on adjoining property or so as to otherwise adversely affect or interfere with the use of adjoining property.

- vi. Two (2) or more parking spaces shall be required for each family dwelling unit.

(Ordinance No. 3665, Amended, 03/18/2024, Section A. Removed "Bed and Breakfast" & Section B. Renamed "Bed and Breakfast Establishments" to "Short-term Rentals"; Ordinance No. 3137, Added, 11/03/2014, Allow a Bulk Ice Dispensing Facility by Special Use Permit only in a C-2 (General Business) Zoned District.; Ordinance No. 2972, Added & Amended, 09/17/2012, Added Lawn and Landscaping Business as a Special Use Permit in a C-2 General Business Zoned District.; Ordinance No. 2949, Added, 05/07/2012, Added Call Center and College or University to Section 17.28.010(B).; Ordinance No. 2877, Amended, 06/20/2011, Added Retail Used Car and Truck Sales by Special Use Permit Only.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Code to Columbia Building Codes.; 17.28.010, Added, 01/16/2006, Added 4 uses permitted by special use permit only: Assisted Living Homes, Convalescent Homes, Nursing Homes and Senior Care Homes. ; Ord. o. 2399, Amended, 09/19/2005, Added Pet Grooming; Ord. No. 2300, Amended, 09/19/2005, Added Pet Grooming.; Ord. 2399, Amended, 09/19/2005, Added Pet Grooming; Ord. 2321, Amended & Added, 01/24/2005, Sections 17.40.010; 17.28.010; 17.28.010 (Ord. 2130), Amended, 01/20/2003)

Section 17.28.015 Mixed-Use Development

A. Purpose and Intent:

The following regulations provide the standards and establish the procedure for review by the Plan Commission and City Council for mixed use development proposals in the C-2 General Business District. It is the intent of these regulations to provide a means of achieving greater flexibility in development of land and/or reuse of existing buildings in a manner not readily achievable with conventional zoning district regulations; to encourage a more imaginative and innovative design of land development and reuse of existing buildings; and to promote a desirable community environment.

The City Council, upon recommendation by the Plan Commission, may by ordinance, authorize a mixed use development within the C-2 General Business District when the proposed development or use of a specific tract of land or area warrants greater flexibility, yet greater scrutiny of development design, than is afforded under the standard C-2 regulations. These Mixed Use Development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The City Council may, upon proper application, approve a Mixed Use Development to facilitate the use of flexible techniques of land development, site design and/or reuse of existing buildings, by providing relief from conventional zoning standards and/or place certain restrictions on a mixed use development in order to achieve one or more of the following objectives:

1. Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the C-2 District regulations;
2. Encourages walkable urban neighborhoods;
3. Functional and beneficial uses of public spaces;
4. Creation of a safe and desirable living environment for mix of residential and commercial uses;
5. Rational and economical in relation to public utilities and services; and
6. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. Amendment Ordinance and Coordination with Subdivision Code and other Codes:

1. Obtaining a Mixed Use Development designation in the C-2 General Business District requires an amendment to the Official Zoning Map (rezoning), except that the procedure for such amendment shall be in accordance with this Section 17.28.015 instead of Section 17.02.050 of Title 17, “Zoning”. The nomenclature for this designation shall be “C-2 Mixed Use Development” or “C-2 MXD”.
2. When a mixed use development involves any subdivision activity, the subdivision review and approval procedure requirements contained the Subdivision Code shall be carried out simultaneously with the review of a mixed use development under this Section of this Title.
3. Obtaining a Mixed Use Development Designation does not relieve the property owner from compliance with other City, state and federal codes, including the requirements of Title 15, Building and Construction, of the Columbia Municipal Code.

C. Permitted Uses:

1. Permitted uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular C-2 MXD district. Specific uses may include those uses designated as permitted or special uses in any of the business districts.
2. In addition to those uses referenced in paragraph "1." above, the following uses may be approved as permitted uses and established as such in the ordinance governing the particular C-2 MXD district:
 - a. Multiple-family residential dwelling units located in mixed use buildings, provided that residential dwelling units located on the first or ground floor level shall limited to buildings that are dedicated to residential use only. Buildings considered to be dedicated to residential use only include buildings that are part of a building complex with firewalls separating the individual building footprints.
 - b. Multi-events venues such as buildings adaptable to multiple venues such as movie and/or performing arts, banquets, receptions and parties.
 - c. Microbreweries in conjunction with a full service restaurant.
 - d. Outdoor restaurant seating as an accessory use to a full service restaurant, subject to the regulations and standards contain in Subsection E, "Density and Development Regulations and Other Standards", of this Section.

D. Minimum Mixed Use Development Site Size:

The minimum site size for any of a C-2 MXD district shall be one and one-half (1.5) acres. This minimum site size may be waived by the City Council upon report by the Plan Commission; if it is determined that the use proposed mixed use development is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the public interest.

E. Density and Dimensional Regulations and other Standards:

1. General Standards: The approval of a mixed use development may provide for such exceptions from the regulations associated with Title 17, "Zoning", as may be deemed necessary and desirable to achieve the objectives of the proposed mixed use development. No mixed use development shall be allowed which would result in:
 - a. Inadequate or unsafe vehicular access to the development;
 - b. Peak-hour traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
 - c. An undue burden on schools, fire police protection, utilities and other public facilities which serve or are proposed to serve the planned development; and
 - d. Other detrimental impacts on the surrounding area.
2. Residential Use Ground Floor Proportions: Residential use shall not exceed 50% of the total ground floor area of all buildings located within the mixed use development.
3. Restaurant Outdoor Seating Requirements:

- a. Outdoor seating shall be located on decorative pavement or decking material.
- b. Hours of operation: The hours of operation shall as determined by the City Council and established in the conditions of the ordinance approving the C-2 MXD development.
- c. Outdoor tables, chairs, umbrellas and other furniture and decorative hardscape shall be made of durable material intended for outdoor use.
- d. Outdoor sound system: Outdoor sound systems shall be for background music for enjoyment by restaurant patrons and shall not be audible, including low frequency vibrations, from the interior of on-site or nearby residential dwellings. The Council may place other restrictions on outdoor sound systems, including hours of use.
- e. Litter control: Adequate provisions shall be made for litter and trash control including the providing of and regular maintenance of trash receptacles. The outdoor seating area and adjoining areas shall be free of debris at all times.
- f. Lighting: Provisions shall be made for appropriate lighting that will not disturb on-site residences or adjoining properties or streets.
- g. Pedestrian circulation: The outdoor seating area shall not obstruct any building access points and an unobstructed walkway of at least six (6) feet wide shall be maintained between the seating and the edge of street pavement (or back of curb).

**F. Preliminary Development Plan Approval and Rezoning
Petition Procedure:**

1. Submittal Requirements: The property owner(s) shall file an application for review and approval of a preliminary development plan and a petition for rezoning the subject property to C-2 MXD. The applicant shall deposit a fee for the rezoning petition pursuant to Section 17.02.050 B. of Title 17, “Zoning”. The following shall be submitted to the City Clerk’s office:
 - a. Plot plan showing the size, dimensions and location of the property.
 - b. The proposed and/or existing building setback lines.
 - c. The proposed and/or existing buildings, including location and approximate size.
 - d. Other on site features or amenities, such as courtyards, restaurant outdoor seating, etc.
 - e. Elevation drawings of the proposed and/or existing buildings showing the height, scale and massing of the building or buildings.
 - f. The preliminary parking layout and vehicular circulation patterns.
 - g. The approximate existing and proposed contours (for new developments or redevelopment projects).
 - h. A general landscaping plan.
 - i. A table or matrix that clearly quantifies all uses planned as part of the mixed use development, including the total square footage of each use, and the type of residential units proposed (apartments, townhomes, condominiums, etc.) and the number of units for each type.

- j. A proposed project schedule indicating the project start and completion dates. If phasing is proposed, a specific phasing plan shall be included.
 - k. Any additional information on the proposed mixed use development that may be voluntarily provided by the applicant or requested by the Plan Commission that would aid in understanding the nature and scope of the project.
2. Plan Commission Review: The Plan Commission shall review the application and rezoning petition and make a recommendation to the City Council pursuant to the following procedure:
- a. Within forty-five (45) days of receipt of the application and rezoning petition by the City Clerk, the Plan Commission shall hold a public hearing on the rezoning request and the associated preliminary development plan. Notice shall be given of the time and place of the hearing, not more than 30 nor less than 15 days before the hearing, by publishing a notice thereof in a newspaper published in the City. The notice shall state the time and place of the hearing, a description of the property or properties affected, and a brief statement of the nature of the amendment. Such notice need not include a metes and bounds legal description, provided that the notice includes:
 - (i) The common street address or addresses; and
 - (ii) The property index number (“PIN”) or numbers of all parcels of real property contained in the affected area.
 - b. Within ten (10) days following the close of the hearing, the Plan Commission shall file a report of the hearing

and its recommendations with the Mayor and City Council.

- c. In case of a written protest against the proposed rezoning, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the rezoning shall not be passed except by a favorable vote of two-thirds of the aldermen of the City then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the rezoning petition.

3. City Council Action on Preliminary Development Plan and Rezoning Request:

- a. If the preliminary development plan is approved by the City Council, it shall adopt a resolution approving said preliminary development plan, with changes or conditions as may be specified by the City Council and authorizing the preparation of the final development plan (the "Approval Resolution").
- b. Simultaneously with the Approval Resolution, the City Council shall adopt an ordinance rezoning the site to the C-2 MXD district and said ordinance shall include, but not be limited to, the following:
 - (i) Legal description of the subject property;
 - (ii) Reference to the Approval Resolution;
 - (iii) Permitted uses, including any conditions of

use;

(iv) A statement requiring approval of a final development plan and plat (if applicable), by the City Council, prior to issuing building permits;

(v) Building and structure height limitations;

(vi) Minimum building setback requirements; and

(vii) Off-Street parking requirements, if different than the requirements set forth in Section 17.44 of Title 17, "Zoning".

4. Effect of Approval of Preliminary Development Plan and Period of Validity:

a. All conditions imposed as a part of any mixed use development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.

b. Approval of the preliminary development plan by the City Council is merely an authorization to proceed with the preparation of the final development plan.

c. Approval of the preliminary development plan shall be valid for a period of two (2) years from the date of City Council approval. If an application for final plan approval for all or a geographic portion of the preliminary development plan has not been filed within the two (2) year period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval. The City Council, upon recommendation from the Plan

Commission, may grant up to a one (1) year extension, from the date that the period of validity expired. The Council may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.

- d. In no case shall a building permit be issued prior to final development plan approval.
- e. At such time the period of validity has expired, the resolution approving preliminary development plan shall become null and void. In the event that the development plan involved rezoning all or a portion of the property comprising the development, the City Council may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of Section 17.02.050 of Title 17, “Zoning”.

G. Final Development Plan Review Approval Procedure:

- 1. Final Development Plan Submittal Requirements: A final development plan shall be filed with the City Clerk’s office and include the following:
 - a. The information required for the preliminary development plan, except that it be in its final form.
 - b. The landscape plan shall include specific location of all plant materials and specifying size and species.
 - c. The parking layout plan shall include delineation of spaces, circulation isles and loading/delivery zones.
 - d. Provisions for handling solid waste and recycling and the method of enclosing and/or screening solid waste and recycling containers.

- e. All other information that the City Council may have included as a condition of approval of the preliminary development plan.
2. Compliance with Approved Preliminary Development Plan:
The final development plan shall be in substantial compliance with the approved preliminary development plan. Modifications and refinements, resulting from the final design process, may be approved. In no event shall any modification of the development plan result in the following:
- a. A change in the use or character of the development.
 - b. An increase in building or site coverage.
 - c. An increase in the intensity of use by more than 10% (e.g., number of dwelling units or building square footage).
 - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation.
3. Review and Approval:
- a. The Plan Commission shall review such documents in light of the Approval Resolution. The Plan Commission shall report to the City Council with its recommendation whether the final development plan is substantially consistent with the Approval Resolution and satisfies all of the conditions of the Approval Resolution.
 - b. The Plan Commission shall transmit their recommendation in writing to the City Council within thirty (30) days of filing the final development plan, or thirty (30) days from the date on which the last item of

required documentation is received by the City Clerk's office, whichever is later.

- c. The City Council shall review the final development plan and shall either approve or disapprove via ordinance said final development plan within thirty (30) days after receiving the recommendation from the Plan Commission. The concurring vote of a majority of the City Council (Mayor and Aldermen holding office) shall be required for the granting of approval of said development plan; except that, a proposed development plan that fails to receive the approval of the City's Plan Commission shall not be approved by the City Council except by two-thirds (2/3) vote of all Aldermen of the City then holding office. If the final development plan is approved by the City Council, the Mayor shall immediately affix his/her signature to the final development plan and cause there to be attached thereto a notation that the final development plan has received final approval of the City Council. The City Clerk shall then attest to the signature of the Mayor and affix the City Seal thereto.
- d. If the final development plan is disapproved, the reasons(s) for such action and specific instances where such final development plan is not in conformance with requirements herein shall be noted and conveyed in writing to the property owner or applicant.

H. Changes to Final Development Plan:

1. Minor Changes: Minor changes in the location, siting and height of buildings and structures may be authorized by the Building Inspector if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section shall cause any of the following:
 - a. A change in the use or character of the development.

- b. An increase in building or site coverage.
 - c. An increase in the intensity of use (e.g., building square footage or number of dwelling units).
 - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation.
 - e. A reduction in approved landscaping area, open space or required buffer areas or screening.
 - f. A change that would cause a re-subdivision or other material modification to the record plat, if applicable.
2. Plan Amendments: All proposed changes in use, or rearrangement of lots, blocks and building tracts or siting, and changes which would cause any of the situations listed under paragraph 1 above shall be subject to approval by the City Council. In such event, the owner or applicant shall file a revised final development plan and be subject to the requirements of this Section as if it were an entirely new application.

I. Failure to Initiate Construction After Final Development Plan Approval:

- 1. Period of Validity: No approval of a final development plan shall be valid for a period longer than two (2) years from the date of approval unless within such period a building permit is obtained and construction of the development is commenced and diligently being prosecuted to towards completion.
- 2. Extension: The City Council may grant a one (1) year extension upon written request of the applicant.

3. Lapse in Period of Validity: At such time as the period of validity of an approved final development plan lapses, the City Council may pass an ordinance declaring that the final development plan and all uses, terms and conditions thereof are null and void. In addition, the City Council may initiate proceedings to rezone the site to its original or other appropriate zoning district in accordance procedures and requirements of Section 17.02.050 of Title 17, “Zoning”.

(Ordinance No. 3271, Added, 06/20/2016, Added new 17.28 015 Mixed-Use Development to Section 17.28 General Business District of Columbia Zoning Code.)

Section 17.28.020 Conditions of use.

Except as otherwise herein, or in other codes or ordinances of the city, made and provided, all uses permitted in a C-2 general business district shall be subject to the following conditions:

- A. All activities shall be conducted wholly within an enclosed area, except for special sales promotions by licensed businesses.
- B. There shall be no manufacture, processing or treatment of products other than is clearly incidental and essential to the retail business conducted on the premises.
- C. Construction materials, equipment, wrecked motor vehicles, or similar types of personal or business property shall be stored within an enclosed building or behind a screened fence of at least six feet in height. (Ord. 741 § 1 (part), 1989: prior code § 40-7-2(B))

Section 17.28.030 Height of building.

The height of all buildings or structures shall be determined by the average ground elevation at the building perimeter plus forty (40) feet. (Ord. 1257 § 1 (part), 1994: Ord. 741 § 1 (part), 1989: prior code § 40-7-2(C))

Section 17.28.040 Yard areas.

No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

- A. Front Yard. No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in an R district, all of which front upon the same street between the two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the abutting R district.
- B. Side Yard. No side yard shall be required, except for a corner lot which abuts upon an R district, or upon an alley separating this district from an R district. There shall then be

provided a side yard equal to one-half of the front yard required in the abutting R district, but in no case, more than ten feet. The same setback shall apply also if business buildings front the intersecting street, commonly referred to as the side street.

C. Rear Yard. There shall be a rear yard of not less than twenty (20) feet; provided, however, that a one-story accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line or alley line, for the parking of motor vehicles and the unloading and loading of vehicles under roof. (Ord. 741 § 1 (part), 1989: prior code § 40-7-2(D))

Section 17.28.050 Automobile service stations supplementary regulations.

A. Minimum Services Required. All automobile service stations regardless of category type shall, at a minimum, offer public restroom facilities and water and air for automotive vehicles for use by the general public.

B. Design Criteria.

1. Canopies and Pump Islands. Canopies shall conform to the minimum building setback.

2. Exterior Lighting. All exterior lighting shall be inwardly directed so that no direct lighting is cast off premises.

3. Parking. Parking requirements shall conform to the requirements set forth in Chapter 17.44. Additional parking may be required as determined by the zoning board of appeals.

4. Access to Public Roadways. The number of access cuts shall be minimized so as to encourage the most optimum traffic movement and circulation pattern onto public roadways.

5. Access With Adjoining Sites. Automobile service stations located in existing or proposed shopping centers shall provide access interconnection with the shopping center.

C. Orientation Toward Shopping Centers. Automobile service stations located in an existing or proposed shopping center are encouraged to orientate the service station towards the shopping center and not the adjoining streets. For purposes of this section, "orientated towards" means the direction in which the pump islands and main building face. In any event, the following design criteria would be applied.

1. Setbacks. The minimum setback along publicly dedicated streets shall be not less than fifteen (15) feet, or the minimum zone district requirement, whichever is greater.

2. Pump Islands and Canopies. The minimum setback of pump islands and canopies shall be fifteen (15) feet from any property line, or the minimum zone district requirement, whichever is greater.

3. Landscaping. A fifteen (15) foot landscaped area shall be provided between the building setback and public right-of-way. The area shall consist of a three-foot high barrier, using berms if feasible, and shrubs or trees (with a minimum diameter of two and one-half inches) distributed along fifty (50) percent of the entire frontage. A ten-foot curbed and landscaped area shall be provided around the remainder of the site. The ten-foot area shall consist of at least fifty (50) percent live landscaping in the form of trees at twenty (20) foot intervals and intermittent shrub clusters (artificial vegetation not permitted).

D. Uses Not Allowed. The following uses shall not be performed in conjunction with any automobile service station:

1. The outdoor repair, service or maintenance of automobiles;
2. Painting and body work of automobiles;
3. The storage of wrecked or abandoned vehicles;
4. Automobile sales;
5. Bulk plants;
6. The outdoor storage of auto parts, excluding business displays. (Ord. 741 § 1

(part), 1989: prior code § 40-7-2(E))

Section 17.28.060 Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required in Chapter 17.44. (Ord. 741 § 1 (part), 1989: prior code § 40-7-2(F))

Section 17.28.070 Building materials allowed for exterior walls.

The following building materials, and none others, shall be allowed in the construction of the exterior walls of buildings and structures constructed and installed in a C-2 General Business Zoned District in the City:

A. The exterior walls of a building or structure that is visible from a public right-of-way shall be constructed of one or more of the following: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; or, (f) glass.

B. The exterior walls of a building or structure that is not visible from a public right-of-way shall be constructed of one or more of the following: (a) any of the materials listed in the proceeding subparagraph "A" of this Section 17.28.070 of the Zoning Code and/or (b) architectural cement blocks; and/or , (c) stucco."

OLD (ITEM C AMENDED BY ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010)

C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-2 General Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and/or recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee).

NEW 17.28.070(C) is changed and amended to read as follows per Ordinance No. 2821 passed & approved 11/15/2010

C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-2 General Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee).

(Ordinance No. 2821, Amended, 11/15/2010, Zoning Subsection 17.28.070(C) changed and amended.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Codes to Columbia Building Codes.; 17.28.070 (Ord. 2192), Amended, 07/07/2003; 17.28.070 (Ord. 2175), Amended, 05/19/2003)

Section 17.28.080 Screening of rooftop mechanical units required.

Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the

equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by enclosing the mechanical equipment in a mechanical penthouse.

(17.28.080 (Ord. 2154), Added, 03/17/2003, Added Screening of rooftop mechanical units required.)

Chapter 17.30

C-3 HIGHWAY BUSINESS DISTRICT

Sections:

- 17.30.010** **Scope.**
- 17.30.020** **Permitted uses and uses permitted by special use permit only.**
- 17.30.030** **Conditions of use.**
- 17.30.040** **Height of buildings.**
- 17.30.050** **Lot size.**
- 17.30.060** **Yard areas.**
- 17.30.070** **Buffer area.**
- 17.30.080** **Off-street parking and loading facilities.**
- 17.30.090** **Automobile service stations supplementary regulations.**
- 17.30.100** **Building materials allowed for exterior walls.**
- 17.30.110** **Screening of rooftop mechanical units required.**

Section 17.30.010 **Scope.**

Within the C-3 highway business district, the following regulations shall apply. (Ord. 742 § 1 (part), 1989: prior code § 40-7-3 (part))

Section 17.30.020 **Permitted uses and uses permitted by special use permit only.**

A. Permitted uses.

Except as otherwise provided in Chapter 17.40 (SPECIAL USES) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof, no building or land shall be used, and no building shall be erected, structurally altered, or enlarged except for the following uses which are declared to be permitted uses in a C-3 (Highway Business Zoned District):

1. Agricultural implement sales and service.
Merchandise may be displayed or sold on open lot;
2. Ancillary entertainment, being those uses where the entertainment function typically consists of background listening music, either live or programmed, at eating, drinking, or other establishments;
3. Antique furniture sales and repair;

4. Apparel and accessories;
5. Aquatic recreational;
6. Art and school supply stores;
7. Art galleries and studios;
8. Assisted living homes;
9. Auction sale rooms, other than livestock and automobile auction sales at retail or wholesale.
10. Auto accessory stores;
11. Auto and truck dealerships and used car and truck sales on retail lots as part of a new car dealership, and excepting automobile auction sales at wholesale or retail (merchandise may be displayed and sold on open lots);
12. Automobile body and repair shops;
13. Automobile service stations: all automobile service stations shall be classified into one of the following categories:
 - A. An automobile service station which in addition to the retail dispensing of vehicular fuels, offers to perform, as an accessory use, automotive maintenance, service or repair, including, but not limited to the sale and installation of lubricants, tires, batteries and similar accessories for automotive vehicles by owner representatives; self-service islands for dispensing motor fuels where the customer fuels his motor vehicle at certain pump stations are allowed;
 - B. An Automobile service station in which the dispensing of vehicular fuels is performed primarily by individual patrons and which does not offer to perform any manner of automotive maintenance,

service or repair;

C. A Type A or B automobile service station which offers or includes, as an accessory use, the retail sale of merchandise or services not related to the maintenance, service or repair of automotive vehicles;

14. Automobile washing, to include the use of mechanical conveyors, blowers and steam cleaners;

15. Bakery shops, for the baking and processing of food products when prepared for retail sale or wholesale sale on the premises;

16. Banks and financial institutions, including drive-thru and walk-up facilities;

17. Bicycle, motorcycle and all-terrain vehicle sales, repair and rental;

18. Blueprinting and copying establishments;

19. Book or stationery stores;

20. Call Centers

21. Camera and photographic supply store;

22. Carpenter or cabinet shops;

23. Catering establishments;

24. China and glassware stores;

25. Churches;

26. Clothing sales and costume rental shops;

27. Clothing, custom manufacturing, and alterations;

28. Coin and stamp stores;
29. Convalescent homes;
30. Colleges or Universities;
31. Construction Contractor's Offices (without shops or material yard);
32. Custom sign and painting shops if conducted wholly within a completely enclosed building;
33. Day Cares or Nurseries for children or adults;
34. Department stores;
35. Drive Through for Pharmacy;
36. Drug stores and pharmacies;
37. Dry goods or notion stores;
38. Dry-cleaning , commercial laundries, linen, towels, diaper and other similar supply services, limited to six thousand (6,000) square feet of gross floor area per establishment;
39. Dry-cleaning and laundry-receiving stations;
40. Electrical appliance stores and repair shops;
41. Feed and seed stores;
42. Florist shops, conservatory, retail greenhouse sales, greenhouses not to exceed six thousand (6,000) square feet;
43. Fraternal organizations;

44. Frozen food lockers, including wholesale storage;
45. Gift, novelty, and souvenir shops;
46. Gun and ammo sales and service shops;
47. Hair, nail, and skin care, including barber shops and beauty shops;
48. Hardware stores;
49. Hobby, toy, and game stores;
50. Hospitals;
51. Interior decorating shops;
52. Jewelry and watch repair stores and shops;
53. Laboratories, (limited to medical and dental), provided there is no danger of fire or explosion nor offensive noise, smoke, dust, odors, heat, glare, vibration, or other objectionable conditions beyond the confines of the premises upon which the use is located;
54. Laundromats for direct consumer use (limited to automatic, self-service type);
55. Leather goods and luggage stores;
56. Liquor stores, (limited to sale of packaged goods);
57. Locksmith shops;
58. Lounges, taverns, and pubs;
59. Lumber yards;
60. Machinery sales and services;

61. Meat markets;
62. Medical and dental clinics;
63. Monument sales;
64. Motels and hotels;
65. Motor vehicle repair and body shops, (excluding tractor trailers and industrial equipment);
66. Multiple Family Dwellings in conjunction with office use up to 30% of building;
67. Municipal buildings and facilities for governmental uses and purposes, propriety uses and purposes, or combination of both governmental and proprietary uses and purposes;
68. Music conservatory or music instruction establishments, dance studios, recording studios;
69. Newsstands;
70. Nursing homes;
71. Office supplies;
72. Offices, business and professional;
73. Paint and wallpaper stores;
74. Pawn shops;
75. Pest control businesses;
76. Pet shops;
77. Photograph developing and processing shops;

78. Physical culture and health service establishments, including: gymnasiums, swimming pools, reducing salons and tanning shops;
79. Picture framing shops;
80. Post offices;
81. Printing, lithographic or publishing establishments;
82. Private clubs and lodges;
83. Processing or assembly; provided, that the processing or assembly space occupied in a building does not exceed twenty-five thousand (25,000) square feet of total floor and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which is disturbing to occupants of adjoining properties; (when manufacturing operations of the same or similar products demand space exceeding twenty-five thousand (25,000) square feet, they shall be located in a light industrial district);
84. Public garage, for parking and/or storage for vehicles;
85. Public service facilities, including electric distributing substations, fire or police stations, telephone exchange, and similar uses;
86. Recreation places; limited to bowling alleys, gymnasiums, skating rinks, archery ranges, billiard halls, miniature golf courses;
87. Restaurants, tea rooms, and cafes, including drive-in, drive-thru and/or food delivery services;
88. School, business college or trade school, operated as a business enterprise;
89. Secondhand stores, if conducted wholly within a

completely enclosed building;

90. Senior care homes;
91. Shoe and hat repair stores;
92. Sporting goods stores;
93. Supermarkets;
94. Tailor shops;
95. Tanning and therapeutic massage;
96. Taxidermy shops;
97. Theaters, excluding drive-in theaters;
98. Ticket agencies, (limited to entertainment functions);
99. Tobacco shops, ancillary to larger facility;
100. Travel bureau and transportation ticket offices;
101. Undertaking establishments and funeral parlors;
102. Undertaking service and supply businesses;
103. Upholstery shops;
104. Veterinary clinics and/or animal hospitals;
105. Wholesale and retail appliance stores and repair, (including merchandise repair facilities);
106. Wholesale and retail businesses, examples being, building products, cement, electrical, roofing, refrigeration, masonry, painting, plumbing, air-conditioning, heating and ventilation;

107. Wholesale and retail feed and seed stores;

B. Uses permitted only by a special use permit.

The following uses shall be permitted in a C-3 (highway business zoned district) in the city by special use permit only, in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Auto repairs and sales as an ancillary use;
2. Boat sales and service - retail;
3. Contractor businesses;
4. Day care centers or day nursery for infant, child, and adult;
5. Drug store drive through facility;
6. Employment agencies;
7. Hospitals;
8. Mini-storage businesses;
9. Pet Boarding business ancillary to pet grooming business;
10. Pet grooming businesses;
11. Recreational vehicles, campers and trailer dealers - sales and service;
12. Used car and truck sales on retail lots;

(Ordinance 3134, Added, 10/20/2014, Grant Zoning Code Exceptions for certain uses in C-3 Highway Business District - Columbia Land Management, LLC at 247 W. Sandbank Road. Amended 17.30.020 of Zoning Code; Ordinance No. 2653, Amended, 05/05/2008, Added Pet Boarding business ancillary to pet grooming business.; Ordinance No.2630, Amended, 02/04/2008, Added used car and truck sales-retail, ancillary to an automotive business; 17.30.020 , Added, 01/16/2006, Added four (4) permitted uses: Senior Care Homes, Nursing Homes, Convalescent Homes and Assisted Living Homes.; Ord. 2399, Amended, 09/19/2005, Added Pet Grooming Businesses; Ord. 2377, Amended, 07/05/2005, Section 17.30.020 ; 17.30.020 (Ord. 2193), Amended, 07/07/2003, Added Permitted Uses - #29. Drug Stores and Pharmacies; 17.30.020 (Ord. 2131), Amended, 01/20/2003)

Section 17.30.030 Conditions of use.

Except as otherwise herein, or in other codes and ordinances of the city, made and provided, all uses permitted in a C-3 highway business district shall be subject to the following conditions:

A. All activities shall be conducted wholly within an enclosed area, except as allowed in permitted uses.

B. Special commercial sales promotions by licensed businesses may display goods outside their buildings during business hours. (Ord. 742 § 1 (part), 1989: prior code § 40-7-3(B))

Section 17.30.040 Height of buildings.

The height of all buildings or structures shall be determined by the average ground elevation at the building perimeter plus forty (40) feet. (Ord. 1257 § 1 (part), 1994: Ord. 742 § 1 (part), 1989: prior code § 40-7-3(C))

Section 17.30.050 Lot size.

Every building hereinafter erected shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than eighty (80) feet. (Ord. 742 § 1 (part), 1989: prior code § 40-7-3(D))

Section 17.30.060 Yard areas.

No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

A. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than fifty (50) feet.

B. Side Yard. No side yard shall be required, except for a lot which abuts upon an R district, or upon an alley separating this district from an R district. There shall then be provided a side yard equal to one-half the front yard required in the abutting R district, but in no case less than twenty (20) feet.

C. Rear Yard. There shall be a rear yard of not less than twenty (20) feet; provided, however, that a one-story accessory building may be located thereon; except for the five feet adjacent and parallel to the rear lot line or alley line, for the parking of motor vehicles and the unloading and loading of vehicles under roof. (Ord. 742 § 1 (part), 1989: prior code § 40-7-3(E))

Section 17.30.070 Buffer area.

On lots abutting an R district, there shall be provided a twenty (20) foot wide planting strip, extending the length of the lot adjoining the R district planted with trees and shrubs to provide a dense screen at maturity. Planting strip plan to be approved by zoning administrator. (Ord. 742 § 1 (part), 1989: prior code § 40-7-3(F))

Section 17.30.080 Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required in Chapter 17.44. (Ord. 742 § 1 (part), 1989: prior code § 40-7-3(G))

Section 17.30.090 Automobile service stations supplementary regulations.

A. Minimum Services Required. All automobile service stations regardless of category type shall, at a minimum, offer public restroom facilities and water and air for automotive vehicles for use by the general public.

B. Design Criteria.

1. Canopies and Pump Islands. Canopies shall conform to the minimum building setback.

2. Exterior Lighting. All exterior lighting shall be inwardly directed so that no direct lighting is cast off premises.

3. Parking. Parking requirements shall conform to the requirements set forth in Chapter 17.44.

4. Access to Public Roadways. The number of access cuts shall be minimized so as to encourage the most optimum traffic movement and circulation pattern onto public roadways as determined by the city engineer.

5. Access With Adjoining Sites. Automobile service stations located in existing or proposed shopping centers shall provide an access interconnection plan to the city engineer for approval.

C. Orientation Toward Shopping Centers. Automobile service stations located in an existing or proposed shopping center are encouraged to orientate the service station towards the shopping center and-not the adjoining streets. For purposes of this section, "orientated towards" means the direction in which the pump islands and main building face. In any event, the following design criteria would be applied.

1. Setbacks. The minimum setback along publicly dedicated streets shall be not less than fifteen (15) feet, or the minimum zone district requirement, whichever is greater.

2. Pump Islands and Canopies. The minimum setback of pump islands and canopies shall be fifteen (15) feet from any property line, or the minimum zone district requirement, whichever is greater.

3. Landscaping. A fifteen (15) foot landscaped area shall be provided between the building setback and public right-of-way. The area shall consist of a three-foot high barrier, using berms if feasible, and shrubs or trees (with a minimum diameter of two and one-half inches) distributed along fifty (50) percent of the entire frontage. A ten-foot curbed and landscaped area shall be provided around the remainder of the site. The ten-foot area shall consist of at least fifty (50) percent live landscaping in the form of trees at twenty (20) foot intervals and intermittent shrub clusters (artificial vegetation not permitted).

D. Uses Not Allowed. The following uses shall not be performed in conjunction with any

automobile service station.

1. The outdoor repair, service or maintenance of automobiles;
2. Painting and body work of automobiles;
3. The storage of wrecked or abandoned vehicles;
4. Automobile sales;
5. Bulk plants;
6. The outdoor storage of auto parts, excluding business displays. (Ord. 742 § 1 (part), 1989; prior code § 40-7-3(H))

Section 17.30.100 Building materials allowed for exterior walls.

The following building materials, and none others, shall be allowed in the construction of the exterior walls of buildings and structures constructed and installed in a C-3 Highway Business Zoned District in the City:

A. The exterior walls of a building or structure that is visible from a public right-of-way shall be constructed of one or more of the following: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; or, (f) glass.

B. The exterior walls of a building or structure that is not visible from a public right-of-way shall be constructed of one or more of the following: (a) any of the materials listed in the proceeding subparagraph "A" of this Section 17.30.100 of the Zoning Code and/or (b) architectural cement blocks; and/or, (c) stucco."

OLD (ITEM C AMENDED BY ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010)

C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-3 Highway Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and/or recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee).

NEW 17.30.100(C) is changed and amended to read as follows per Ordinance No. 2821 passed & approved 11/15/2010:

C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-3 Highway Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee).

(Ordinance No. 2821, Amended, 11/15/2010, Zoning Subsection 17.30.100(C) changed and amended.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Code to Columbia Building Codes.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Codes to Columbia Building Codes.; 17.30.100 (Ord. 2192), Amended, 07/07/2003; 17.30.100 (Ord. 2175), Amended, 05/19/2003)

Section 17.30.110 Screening of rooftop mechanical units required.

Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by enclosing the mechanical equipment in a mechanical penthouse.

(17.30.110 (Ord. 2154), Added, 03/17/2003, Added Screening of rooftop mechanical units required.)

Chapter 17.32**I-1 LIGHT INDUSTRIAL DISTRICT****Sections:**

- 17.32.010 Purpose of district.**
- 17.32.020 Industrial permitted uses.**
- 17.32.021 Industrial special uses.**
- 17.32.030 Adult use permitted uses.**
- 17.32.040 Building materials allowed for exterior walls.**

Section 17.32.010 Purpose of district.

The light industrial district of the city delineates areas where a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and adequate provisions of public utilities required by light industry may be achieved. It is intended that this particular district will generally provide for light industry of an assembly nature from finished goods, warehousing and wholesaling activities. It is also intended that adult book stores, adult entertainment cabarets, adult motion picture theaters, adult novelty stores, and any other adult use or entertainment established allowed by law and ordinance will be located in this particular district. (Ord. 1717 § 2 (part), 1999: prior code § 40-8-1)

Section 17.32.020 Industrial permitted uses.

A light industrial use is one which creates a minimum amount of nuisance outside the plant, is conducted entirely within enclosed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings, provides for enclosed loading and unloading berths, and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building. As such, the permitted uses shall be as follows:

A. Permitted uses:

1. Construction:
 - a. Concrete batch plants;
 - b. Demolition contractors;
 - c. Excavation contractors;
 - d. Heavy construction;
 - e. Industrial, commercial and institution construction;
 - f. Special trade contractors such as construction equipment rental;

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- g. Structural steel erection contractors;
- h. Wood truss manufacturing.
- 2. Heavy equipment sales and service, including farm equipment.
- 3. Industrial park, subject to the following restrictions:
 - a. Business of a light industrial nature;
 - b. Minimum lot area of 20 acres;
 - c. Minimum front yard of 100 feet, minimum side and rear yards of 75 feet if abutting a residential zoned district or 35 feet if abutting a zoned district other than residential;
 - d. Minimum building setback from center line of interior road of 85 feet;
 - e. Plan of landscape development to be submitted with building permit application;
 - f. Tight screen planting required where abutting residential district to be located a minimum of 25 feet from the residential district boundary;
 - g. Parking spaces minimum of one (1) per two (2) employees on largest shift;
 - h. Distance of parking area from residential district of 25 lineal feet;
 - i. Minimum number of loading and unloading berths (which shall not face on bordering highway) of one (1) per 15,000 square foot or less of building;
 - j. Distance of loading and unloading berths from residential zoned district boundary of 100 lineal feet minimum;
 - k. Plat approved by the city council to be submitted with application for building permit;
 - l. Development plan to be submitted with building permit application;
 - m. Maximum number of principal entrances from a major thoroughfare limited to one (1);
 - n. Acceptable relationship to major thoroughfares;
 - o. Thoroughfares must be adequate to carry additional traffic engendered by industry;

p. Outdoor artificial lighting shall be approved by the city council;

q. Disposal of liquid and other waste shall meet the approval of the pertinent health authorities.

4. Natural Gas Distribution and Measuring Facility with Associated Office Uses Encompassing at Least Fifteen (15) Acres.

(Added per Ordinance 3151 on 12/15/2014.)

(Ordinance No. 3151, Added, 12/15/2014, Added to I-1 - Light Industrial District - Natural Gas Distribution and Measuring Facility with Associated Office Uses Encompassing at least fifteen (15) acres.; 17.32.020 (Ord. 2135), Amended, 01/20/2003)

Section 17.32.021 Industrial special uses.

The special uses allowed in an I-1 (light industrial zoned district) in the city for which a special use permit shall be required, are as follows:

1. Mini-storage buildings;
2. Warehousing and distribution, wholesale merchandise brokerage (including warehouse storage business);
3. Outdoor theater.”

(17.32.021 (Ord. 2135), Added, 01/20/2003, Added 17.32.021.)

Section 17.32.030 Adult use permitted uses.

Adult use entertainment establishments as defined in the city zoning code and Chapter 5.24 of this code are allowed as permitted uses in a light industrial zoning district in the city, subject to the restrictions, requirements and regulations contained herein.

A. Adult use entertainment establishments shall be subject to the following requirements or regulations:

1. All property lines of the lot on which the establishment is located shall be at least one thousand (1,000) feet from the nearest property line of any church, school, any residentially zoned property, day care center, cemetery, public park or public property.
2. All property lines of the lot on which the establishment is located shall be at least one thousand (1,000) feet from the nearest property line of any adult use entertainment establishment.
3. All property lines of the lot on which the establishment is located shall be at least one thousand (1,000) feet from the nearest property line of any establishment where alcoholic beverages are sold or served.
4. Any building housing an adult use entertainment establishment shall not exceed ten thousand (10,000) square feet in size.
5. All activities must be conducted within an enclosed building on the premises and there shall be no drive-up window, walk-up window, viewing area or any similar feature on the exterior of the building.
6. There shall be no windows with clear glass on the exterior of the building that would allow a view of any portion of the interior of the building.
7. No alcoholic beverages shall be sold, served or allowed on the premises.

B. Before any adult use entertainment establishment is open to the public the operator thereof shall first have applied for and obtained from the city an adult use business license as required, made and provided for in Chapter 5.24 of this code. (Ord. 1717 § 2 (part), 1999)

Section 17.32.040 Building materials allowed for exterior walls.

OLD (SUBSECTION 17.32.040 (BUILDING MATERIALS ALLOWED FOR EXTERIOR WALLS IN AN I-1 LIGHT INDUSTRIAL ZONED DISTRICT) OF TITLE 17 ZONING) AMENDED BY ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010.

The following building materials, and none others, shall be allowed in the construction of the exterior walls of buildings and structures constructed and installed in an I-1 Light Industrial Zoned District in the City for exterior walls that are visible from any public right-of-way: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; (g) stucco trim; (h) architectural cement blocks, (i) tilt-up concrete, (j) building materials authorized and approved by the Columbia Building Codes as adopted and in effect in the City, from time to time, which are approved by the City Council, with the advise and recommendation of the City's Building Commissioner, and/or the City's Architectural Review Committee, and (k) such other building materials as shall be authorized by the City Council, with the advice and recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee.

NEW 17.32.040 (BUILDING MATERIALS ALLOWED FOR EXTERIOR WALLS IN AN I-1 LIGHT INDUSTRIAL ZONED DISTRICT OF TITLE 17 ZONING IS CHANGED & AMENDED TO READ AS FOLLOWS PER ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010:

The following building materials, and none others, shall be allowed in the construction of the exterior walls of buildings and structures constructed and installed in an I-1 Light Industrial Zoned District in the City for exterior walls that are visible from any public right-of-way: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; (g) stucco trim; (h) architectural cement blocks, (i) tilt-up concrete, and (j) building materials authorized and approved by the Columbia Building Codes as adopted and in effect in the City, from time to time, which are approved by the City Council, with the advice and recommendation of the City's Building Commissioner, and the City's Architectural Review Committee, and (k) such other building materials as shall be authorized by the City Council, with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee.

(Ordinance No. 2821, Amended, 11/15/2010, Zoning Subsection 17.32.040 (Building Materials Allowed for Exterior Walls in an I-1 Light Industrial Zoned District) of Title 17 Zoning; Ordinance No. 2714, Amended, 04/06/2009, Changes all references of BOCA Building Code to Columbia Building Codes.; 17.32.040 (Ord. 2192), Added, 07/07/2003; 17.32.040 (Ord. 2175), Added, 05/19/2003)

Chapter 17.34

HP HISTORIC PRESERVATION OVERLAY DISTRICT

Sections:

- 17.34.010 Purpose and intent.**
- 17.34.020 Permitted uses.**
- 17.34.030 Height.**
- 17.34.040 Lot size.**
- 17.34.050 Yard areas.**
- 17.34.060 Percentage of lot coverage.**
- 17.34.070 Parking facilities.**
- 17.34.080 Location and size of district.**
- 17.34.090 Special considerations.**

Section 17.34.010 Purpose and intent.

The HP Historic Preservation Overlay District is intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments and neighborhoods. The HP Historic Preservation Overlay District is an overlay zoning district, and accordingly, the property located in such a district shall also be subject to the regulations of the underlying zoning district in which it is located.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay District.)

Section 17.34.020 Permitted uses.

This HP Historic Preservation Overlay District has no effect on the classification, whether permitted, special or prohibited, of uses in the primary zoning district.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Section 17.34.030 Height.

This HP Historic Preservation Overlay District has no effect on the height restrictions imposed by the primary zoning district.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Section 17.34.040 Lot size.

This HP Historic Preservation Overlay District has no effect on the lot size restrictions imposed by the primary zoning district.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic

Preservation Overlay Zoning District.)

Section 17.34.050 Yard areas.

This HP Historic Preservation Overlay District has no effect on the yard area requirements imposed by the primary zoning district.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Section 17.34.060 Percentage of lot coverage.

This overlay district has no effect on the percentage of lot coverage restrictions imposed by the primary zoning district.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Section 17.34.070 Parking facilities.

Parking facilities shall be provided as required or permitted in Chapter 17.44.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Section 17.34.080 Location and size of district.

There shall be no locational standards, or required maximum or minimum area, which shall be necessary to constitute a separate HP Historic Preservation District.

(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Section 17.34.090 Special considerations.

A. Within this district, no building or structure shall hereafter be erected, reconstructed, altered or restored unless and until the application for the building permit has been reviewed and a recommendation made to the City Council as to exterior architectural features which are subject to public view from a public street, way or place, by the Columbia Heritage and Preservation Commission and the City Plan Commission. Columbia Heritage and Preservation and City Plan Commission recommendations shall be forwarded to the City Council for action.

B. No building within this district shall be razed without obtaining a permit reviewed and a recommendation made to the City Council by the Columbia Heritage and Preservation Commission and the City Plan Commission. Columbia Heritage and Preservation and City Plan Commission recommendations shall be forwarded to the City Council for action and the City Council shall be empowered to refuse a permit for any structure of such architectural or historic interest, the removal of which, in the opinion of the City Council, would be detrimental to the public interest of the municipality.

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C. In addition to the provisions contained in Section 17.02.050 Amendments of the City Code, any proposed amendment, supplement, change, modification or repeal of the HP Historic Preservation Overlay District shall first be submitted to the Columbia Heritage and Preservation Commission for their review and recommendation. Said review and recommendation shall be forwarded to the Plan Commission and City Council and the amendment procedure shall proceed as outlined in Section 17.02.050.

D. Provisions of the Columbia City Code applicable to the primary zoning district shall not be affected by the application of the HP Historic Preservation Overlay District.
(Ordinance No. 3078, Repealed & Replaced, 12/16/2013, Deleted S-1 Historic Building District and replaced with HP Historic Preservation Overlay Zoning District.)

Chapter 17.36

S-2 SLOPE DISTRICT

Sections:

17.36.010 Purpose--Regulations.

Section 17.36.010 Purpose--Regulations.

The S-2 slope district is designed to allow proper use of land having a cross slope which exceeds sixteen (16) percent and to prevent encroachment into the district which will unduly increase stormwater runoff and damage. Within the S-2 slope district, the following regulations shall apply:

A. Any slope area, the average cross slope of which exceeds sixteen (16) percent shall be subject to a special use exception in accordance with Chapter 17.40, and shall be in conformity with the comprehensive community plan.

B. Any slope area, the average cross slope of which exceeds sixteen (16) percent shall be considered to be extremely rugged and the development of this terrain shall be limited to compatible uses as follows:

1. Building lots, for any land use, shall be a minimum of five acres;
2. Utility easements;
3. Pedestrian easements;
4. Parks, playgrounds and general community open space. (Prior code § 40-9-2)

Chapter 17.38

S-3 FLOODPLAIN AND DRAINAGEWAY DISTRICT

Sections:

17.38.010 Purpose.

17.38.020 Permitted uses.

17.38.030 Uses and improvements specifically prohibited.

Section 17.38.010 Purpose.

The S-3 floodplain and drainageway district is designed to meet the needs of storm water channels to carry abnormal flows of water in time of flood; to prevent encroachments into the district which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard. Within the S-3 floodplain and drainageway district, the following regulations apply. (Prior code § 40-9-3 (part))

Section 17.38.020 Permitted uses.

- A. Public and private recreational uses of open land, such as public parks, camps, golf courses, race tracks, and archery ranges; provided, that all structures are firmly anchored to prevent the structure from floating away;
- B. Railroads, streets, bridges, walkways and utility lines and easements;
- C. Any drainageway within any zoning district shall be subject to a special use exception in accordance with Chapter 17.40. (Prior code § 40-9-3(A))

Section 17.38.030 Uses and improvements specifically prohibited.

- A. Structures for human habitation;
- B. Landfill or dumping, except as necessary in the construction or reconstruction of railroads, streets, and bridges. (Prior code § 40-9-3(B))

Chapter 17.40

SPECIAL USES

Sections:

17.40.010 Special use exceptions, requirements and procedures.

Section 17.40.010 Special use exceptions, requirements and procedures.

A. The special exceptions listed in Figure 1 and their accessory buildings and uses may be permitted by the plan commission and the governing body of the municipality in the districts indicated therein, in accordance with the procedure set forth in this section and the requirements listed in Figure 1.

B. **PROCESS.** The process for considering approval of Special Use applications shall be as indicated below.

(1) **Applications.** The Building Official shall refer all special use applications to the Plan Commission.

(a) All applications for Special Use shall be charged a fee by the City for filing, processing, postage and public notice in an amount as published in Title 18 of the City Code.

(b) Applicants shall provide a list of names and addresses of the owners of record for all properties located within two-hundred fifty (250) feet of the subject property's boundary. Property owner lists shall be obtained from the County Recorder of the county wherein the subject property is located.

(d) At least fifteen (15) days before the public hearing but not more than thirty (30) days before the hearing, the Building Official or designee shall send all property owners on the aforesaid list a written notice by certified mail (return receipt required) or personal delivery. The notice shall state:

- (i) The address of the location for which the special use is requested;
- (ii) The applicant's name and address;
- (iii) A description of the special use requested;
- (iv) The date the application was filed; and
- (v) Notification of the public hearing with the hearing's date, time and location.

(2) **Public Hearing.** The Plan Commission shall conduct a public hearing on the Special Use application, the date and place of which shall be fixed in advance by the Plan Commission at any regular or special meeting.

(a) Notice of the time, date, and location of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing at least one (1) notice thereof in a newspaper published in the City, such publication to be made at least fifteen (15) days before the public hearing but not more than thirty (30) days before the hearing.

(b) The Plan Commission shall hear the application in accordance with its

usual procedure. The Plan Commission may:

- (i) recommend the application with or without conditions;
- (ii) recommend denial of the application; or
- (iii) refer the application back to the applicant for modification.

If the application is recommended, the application in final form shall clearly note all stipulated conditions.

(c) A record of the proceedings shall be preserved in accordance with Plan Commission rules. Within thirty (30) days following the hearing, the Plan Commission shall submit to the City Council a report of the hearing and an advisory report with its recommendation.

(3) Advisory Reports. The Plan Commission's recommendation and advisory report shall include findings of fact that consider at least the following:

- (a) The proposal's consistency with and effect upon the City's Comprehensive or Land Use Plan;
- (b) The existing uses and zoning of nearby property;
- (c) The extent to which property values may be diminished or increased by the current or proposed zoning restrictions;
- (d) The extent to which approval or denial promotes the health, safety, morals, or general welfare of the public;
- (e) The relative public gain as compared to the hardship imposed upon the applicant;
- (f) The suitability of the property for the current or proposed zoning uses and purposes;
- (g) The length of time the property has remained vacant as currently zoned, when considered in the context of nearby development;
- (h) The community's need for the proposed use.

(4) City Council Procedure. Upon receipt of the Plan Commission's advisory report, the City Council shall act according to its legislative procedure. Every Special Use permit granted by the City Council shall be accompanied by a finding of fact specifying the reason for making such Special Use permit. If the application is referred back for modification by the City Council, the applicant may resubmit the application in accordance with the directions of the Plan Commission, if any, otherwise in time for the next regular meeting of the Plan Commission.

(5) Plan Changes. The site plan shall be a permanent site plan, which shall not be modified or have any additions made thereto, except minor changes in a development plan. Minor changes shall not take effect until the Director of Community Development and City Engineer concur with the changes, and they are approved by the Building Official. Major changes in the development plan shall require total review and reapplication.

(6) Revocation - Expiration. The City Council may revoke any Special Use approval if:

- (a) The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan;
- (b) If any condition or requirement included in the permit is not complied with; or
- (c) Any permit shall expire:
 - (i) At the time established for the individual permit;

- (ii) At the end of the development schedule submitted with the application;
- (iii) If construction has not been initiated within one (1) year of City Council approval; or
- (iv) If construction is not substantially complete within two (2) years of City Council approval.

(7) Extension - Renewal. Upon receiving a written request from the applicant, the City Council may extend or renew a permit issued under this Chapter for up to one (1) year. However, no more than two extensions/renewals shall be granted per approved Special Use.

C. An existing lawful use which is listed herein as a special use exception, and which is located in a district in which such special use exception may be permitted, shall be considered a conforming use.

D. Any expansion of such special use exception involving the enlargement of the buildings, structures or land area devoted to such use shall be subject to the procedure described in this section.

E. If the nature of the special use exception involves more than one of those listed in Figure 1, the applicant may apply for a permit for the special use exception which most closely relates to the primary use; provided that the requirements of all related uses will be met.

F. Any application for a building permit to construct or install a satellite earth station which would not fully conform with the requirements of Chapter 17.42, as amended, shall be deemed an application for a permit for a special use exception, and shall be treated in accordance with this section.

FIGURE 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS		
	District(s) in Which Use May Be Permitted	Requirement Designation
Airport	A-1, I-1, S-3	b(6)(heliport), b(12)(airport), g, h(2), i(1)(airport), i(2)(heliport), j(1), k(1), l(5), n(3), p, r(1), s, t, u(2), v, w
Antique Shops	A-1, R-1, R-2, R-3, R-4, R-5, R-6 and S-1	Must comply with the zoning regulations for the zoning district where the antique shop is sited;

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		and, further: (i) Operating hours when the business may be opened to the public shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. of each day. (ii) All business must be conducted within the confines of the main building and/or a garage or accessory building located on the real estate premises. No outside storage or display of merchandise shall be allowed. (iii) Signage on the real estate premises shall be limited to that which is permitted by Section 17.46.010 (Home Occupations-General) of the Columbia Municipal Code, as amended. (Ord. 1979 - 08/20/01)
Ancillary entertainment	C-1	a(2), b(1), c(1), cc
Apparel and accessory stores	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Artificial lake or pond of one or more acres	A-1, R-1, R-2, R-3, R-4, R-5, R-6, R-7, I-1, S-3, BP-1, BP-2, CP, C-1, C-2, C-3 and OP	e(2), p, u, w
Asphalt paving business (including outside storage of machinery and equipment)	BP-2	dd, ee
Assisted living homes	C-2, C-3, CP	b(4), c(6), g, lesser of h(2) or h(4), j(1), l(2), m(3), n(1), p, s, t, v(2)
Automobile Auction Business - Retail and/ or Wholesale	BP-2	b(1), c(1), e(1), h(1), i(7), j(2) and (6), l(5), o, p, r(3), s, t, v

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Auto repair and sales as an ancillary use	C-3	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: prohibiting motor vehicle body work (including painting) on the premises, signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Bicycle stores	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Blue print/copy establishments	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Boat dealers/sales	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition

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		thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: prohibiting motor vehicle repair and body work (including painting) on the premises, signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Boat repair business	I-1	p, h(3), i(7), w and such of the following as the City Council shall determine to be necessary and appropriate: b, c, d, e, f, g, j, k, l, m, n, o, r, s, t, v
Boat and trailer storage (including outside storage)	BP-2	b(1), c(1), f(1), g, h(1), j(3), l(2), dd
Bulk Ice Dispensing Facility (Added per Ord. 3137 11/03/2014)	C-2	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b(1), c(1), d, g, h(1), i, j, k, l, o, p, q, r, s, t, v.2, w, x and y, and in addition thereto, other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control

Car rental and leasing	CP	Ordinance, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations. The City Council may also allow exterior materials of EFIS and/or metal. The refrigeration and mechanical equipment must be screened from public view.
Call Center <i>(Added 05/07/2012 per Ord. No. 2949.)</i>	C-2	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: prohibiting motor vehicle repair and bodywork (including painting) on the premises, signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code. Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b(15), c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and

Churches	BP-2	y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations. Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b(15), c, d, f, g,h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, restrictions on hours of operation, restrictions hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations.
Clothing sales/costume rental shops	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y

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College or University <u>(Added 05/07/2012 per Ord. No. 2949.)</u>	C-2	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b(15), c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations.
Convalescent homes	C-2, C-3, CP	b(4), c(6), g, lesser of h(2) or h(4), j(1), l(2), m(3), n(1), p, s, t, v(2)
Country club or golf course	A-1, R-1, R-2, S-2, S-3, CP	b(11), c(2), p, q, r(1), w
Crematory or cemetery	A-1, all R districts, I-1	b(11), c(2), p, q, r(1), v, w
Custom Sign Shops	C-1	a(2), b(1), c(1), g, h(1), i(4), or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Day care or day nursery - child, infant, adult centers	C-1, C-2, C-3, CP All R districts	a(2), b(1), b(3), c(8), f(3), h(1), i(3), j(1), k(12), l(2), r(1), u(1), v
Drug store - drive-through facility	C-3	b(1), c(1), g, h(1), j(3), l(1), m(1), n(1), o, p, s, v, w
Dry cleaning/laundry receiving stations	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t,

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		v(2), w, x, y
Duplexes	R-6	b(1), c(1), f(5), h(1)
Employment agencies	C-2, C-3	cc
Feed and seed stores	C-2	a(2), b(1), c(1), f(1), h(1), j(3), l(1), n(1), o, p, v, w
Financial institutions, drive-up/drive-thru	C-2, CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Floodplains and drainageways	All districts	p
Greenhouse, commercial	A-1, I-1	b(4), c(6), f(2), h(1), k(7), m(4), n(1), r(1), v, w
Hospital	C-2, C-3	b(7), c(6), g, h(5), j(1), k(9), l(2), m(5), n(1), p, s, t, v
Hotels and motels	C-2	a(2), b(1), c(6), f(1), g, h(1), j(3), l(2), p
Interior decorating shops	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Indoor Shooting Range	A-1	Such of the following Figure 1 requirements as the City Council

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		shall reasonably require, to wit: b(15), c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, u(3), v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations.
Jewelry and watch repair shops	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Lawn and garden equipment and supplies	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit:

Lawn and Landscaping Business	C-2	b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b (1), c (1), d, g, h (1), i, j, k, l, o, p, q, r, s, t, v.2, w, x and y, and in addition thereto, other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations.
Leather goods and luggage sales stores	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Libraries, museums, post offices, civic centers, government offices and similar establishments	All districts	p, and such other restrictions as the City Council shall find necessary and appropriate

FIGURE 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS		
	District(s) in Which Use May be Permitted	Requirement Designation
Lumber yards	C-2	a(2), b(1), c(3), f(1), g, h(1), j(3), l(2), p
Manufacturing	BP-2	b(1), c(1), f(1), g, h(1), j(3), l(2),

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		cc, dd, gg, hh
Marinas	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Mineral extraction, borrow pit, topsoil removal and their storage area	I-1, S-2, S-3	c(9), e, h(1), i(5), j(2), n(3), r(1), s, t, u, v, w
Mini-storage buildings	C-3, BP-2, I-1	b(1), c(1), f(1), g, h(1), j(3), l(2), cc, dd
Mobile home park	C-3	b(8), c(12), d(2), h(1), j(2), j(3), k(13), l(2), o, p, q, r(1), s, u(1), v, w
Multiple family dwelling	C-2	b(1), c(1), f(1), h(1), z
Municipal buildings and facilities for governmental or proprietary uses and purposes or a combination of governmental and proprietary uses and purposes	All residential districts and in S-1 and S-3 districts	p
Music conservatory and musical instrument establishments	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
New car dealers	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: traffic routes and patterns for

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		motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Novelty shops	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Nursing homes	C-2, C-3, CP	b(4), c(6), g, lesser of h(2) or h(4), j(1), l(2), m(3), n(1), p, s, t, v(2)
Office supply and sales stores	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Outdoor commercial recreational enterprises	C-2, C-3, S-2, S-3	c(4), d(1), g, h(1), i(1), j(3), k(14), l(2), n(1), p, r(2), s, t, v, w

FIGURE 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS		
	District(s) in Which Use May Be Permitted	Requirement Designation
Outdoor display and sales of lawn, garden and nursery stock and supplies	C-2	What can be displayed: bedding plants; trees and/or shrubs, living, root wrapped; hanging baskets; soil and fertilizer bags; mulch bags; decorative rock (bagged); landscape timbers; landscape stones; outdoor lawn power equipment; garden tools (shovels, rakes, wheelbarrows); birdbaths and other decorative lawn

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		ornaments; and sand (bagged). Time Frame for Outdoor Display: March 1 through October 31. Temporary Structures: None permitted. Bulk Storage: No bulk storage permitted. Pallet Storage: No pallet storage permitted, except not to exceed one pallet per item of outside display, the display not to exceed four feet in height. Christmas Tree Sales: Christmas tree sales shall only be authorized at locations determined and permitted by the City Council for which a special business license will be issued by the city based upon traffic safety, fire hazard, and other health and safety considerations. Subject to such other conditions and restrictions as the City Council shall require.
Outdoor theater	BP-2, I-1, CP, A-1	c(11), i(6), j(3), k(11), j(2), l(2), p, r(1), s, t, v, w

FIGURE 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS		
	District(s) in Which Use May Be Permitted	Requirement Designation
Outdoor amusement and recreation industries	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x, and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond

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		those required by the City's Street Graphic Control Ordinance, traffic routes and patterns, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Packaged alcoholic liquor, sale of,	C-1	As determined by the City Council
Penal or correctional institution	A-1, I-1	b(12), c(11), e, g, k(15), l(15), n(3), p, r(1)
Pet Boarding Businesses		Such of the Figure 1 requirements as the City Council shall reasonably require; and in addition thereto, such other land use and activity restrictions as the City Council shall reasonably require, including but not limited to: (1) that the building and premises and all the pet containment areas in the building and on the premises be kept in a sanitary condition free and clear from decaying food and filth of any kind; (2) that all kennels, pens and other pet containment areas shall be cleaned and disinfected on a regular schedule and shall be kept in a sanitary condition satisfactory to the City's Building Inspector and Health Officer; (3) that the City's Building Inspector and Health Officer shall have the right to inspect or cause an inspection of the building and premises at reasonable times as they shall determine is necessary and appropriate on a minimum of four (4) hours advanced notice; (4) that the pets that are boarded shall be so controlled as to not allow them to disturb the off premises peace by loud noises during the day or night; and, (5) if the inspections of the City's Building Inspector and/or Health Officer indicates that the person conducting the pet

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Pet grooming business	C-2, C-3	boarding business is not complying with the special use conditions contained in the ordinance granting the special use exception and the zoning certificate issued by the Building Inspector pursuant to said ordinance, the City Council may suspend or revoke the special use exception granted by the City Council to allow pet boarding on the subject business premises. a(2), f(4), K(30), hh, ii, jj
Petroleum storage, bulk	C-3	Subject to such conditions and restrictions as the City Council shall require
Picture framing and retail sales stores	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Power transmission line	All districts	p
Practice golf-driving range	C-3, I-1, S-3	c(6), i(7), j(3), k(16), l(2), r(1), v
Produce terminal, wholesale	A-1, C-3, I-1	b(10), c(7), d(3), e, h(1), i(8), j(1), k(11), l(4), m(3), n(2), p, r(1), s, t, u(1), v, w
Public or commercial sewage and garbage disposal plant	A-1	b(11), c(11), e(1), k(19), r(1), u(1), v, w
Public or employee off-street parking areas	All C and I districts	b(2), p, r(1), s, t, v, x, y
Public park or public recreational facilities	All districts	c(4), g, h(1), j(2), k(21), l(2), t, v, w
Public utility substation or exchange	A-1, I-1	c(6), g, j(4), k(18), r(1), v
Radio or television tower	A-1, I-1	k(19), p, r(1), v
Railroad right-of-way and uses essential to railroad operations and barge operations	A-1, I-1, BP-2	h(1), k(20), r(1), v
Raising and breeding of non-farm fowl and animals, commercially, except kennel	A-1, I-1	b(7), c(10), h(1), j(1), k(7), l(2), m(1), n(3), r(1), v, w
Recreational vehicle storage	BP-2	b(1), c(1), f(1), g, h(1), j(3), l(2), cc, dd

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Recreational vehicle dealers	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x, and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Recreational vehicle park (short term)	BP-2	b(1), c(1), f(1), g, h(1), j(3), l(2), cc, dd
Restaurant, drive-thru type (where food is served to customer remaining in motor vehicle for consumption off premises	C-2	a(2), b(1), c(1), f(1), f(2), g, h(1), j(1), j(3), l(1), l(2), o, p, q, r(2), s, t, u(1) (if required by state law) w, x

Figure 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS		
	District(s) in Which Use May Be Permitted	Requirement Designation
Retail Used Car and Truck Sales	C-2	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b(15), c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: prohibiting motor vehicle body work (including painting) on the premises, signage restrictions beyond those required by the City's

Figure 1
SPECIAL USE EXCEPTIONS AND REQUIREMENTS

	District(s) in Which Use May Be Permitted	Requirement Designation
Riding stable	A-1, I-1	Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code and the proximity from residential zoning consistent with other zoning regulations. b(5), c(10), h(1), j(1), k(21), m(1), r(1), v, w
Senior care homes	C-2, C-3, DP	b(4), c(6), g, lesser of h(2) or h(4), j(1), l(2), m(3), n(1), p, s, t, v(2)
Service stations	C-2	a(2), b(1), c(3), f(1), g, h(1), j(3), l(2), p
Shoe and leather repair stores	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Short-term Rentals	C-2	p, j(6), u(1), w
Slope area	All districts	p

Figure 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS			
	District(s) in Which Use May Be Permitted	Requirement Designation	
Spectator sports	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x, and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.	
Sports teams and clubs	CP	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x, and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns, restrictions on hours of operation, restrictions on hours of operating on premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.	

Figure 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS		
	District(s) in Which Use May Be Permitted	Requirement Designation
Storage trailers	I-1	Chapter 15.69 of the City' s Building and Construction Code
Storage Units Buildings - Rental	I-1	Compliance with Industrial Standards Code, Chapter 15.48 of the City's Municipal Code except special exceptions or variances from strict compliance with the requirements of one or more sections of said Industrial Standards Code, Chapter 15.48 of City's Municipal Code, based upon undue hardship or practical difficulty caused by strict compliance with the requirements of said chapter may be granted by the City Council of the City under and pursuant to Section 17.08.050 (Powers and duties of the City Council in granting special exceptions and variances) of the City's Zoning Code. (Ord. 2086 - 08-19-02)
Tailor shops	C-1	a(2), b(1), c(1), g, h(1), i(4) or j(1) or j(3), k, l(2), o, p, r(3), s, t, v(2), w, x, y
Telecommunication antenna and support structures (wireless service facilities)	All districts	aa
Truck freight terminal	I-1	c(1), e(1), j(1), k(25), l(5), n(3), p, r(1), s, t, v, w
Used car and used truck retail sales lots as part of a new car dealership	C-3	Such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall

Figure 1
SPECIAL USE EXCEPTIONS AND REQUIREMENTS

	District(s) in Which Use May Be Permitted	Requirement Designation
		reasonably require, including but not limited to: prohibiting motor vehicle repair and body work (including painting) on the premises, signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code.
Vehicle towing and storage	C-3	bb, i(11), j(3)
Veterinary clinics and/or small animal hospitals	C-2	a(2), b(1), c(1), f(1), h(1), o, p, s, u(1), v, and w

Warehousing and distribution, wholesale merchandise brokerage (including wholesale storage businesses). BP-2, I-1 a(2), b(1), c(1), g, h(1), cc, dd, ee

Note: Use of # symbol in the figure indicates that the requirements of the district apply to the district where located.

Requirement

Designation Requirement

- a. Classifications of Use Permitted.
 1. Light industrial
 2. Local business
- b. Minimum Lot Area.
 1. #
 2. 1,500 sq. ft.
 3. 110 sq. ft. per child
 4. 25,000 sq. ft.
 5. 20,000 sq. ft. plus 5,000 sq. ft. per horse over four horses
 6. One acre
 7. 5 acres
 8. 5 acres, including 2,500 sq. ft. per mobile home stand
 9. 6 acres

10. 20 acres
11. 40 acres
12. 80 acres
13. 320 acres
14. Two times requirement for single
15. 2 acres

c. Minimum Yards (Feet).

	Front	Side (each)	Rear
1.	#	#	#
2.	#	50	50
3.	#	10	30
4.	#	40	40
5.	#	-	-
6.	#	40	40
7.	100	Abutting, Residential = 75 Abutting, Other use = 35	
8.	#	20	#
9.	150	150	150
10.	100	100	100
11.	300	300	300
12.	25	25	25

d. Building Setback from Center Line of Interior Road.

1. 40 feet
2. 50 feet
3. 85 feet

- e. 1. Use permitted not closer than 300 feet family dwelling to a residential use.
 2. 25 lineal feet of lateral separation from edge of lake or pond (at normal pool elevation) to residential district.

f. Minimum Gross Floor Area of Principal Building(s)--(Square Feet).

1. #
2. Over 1,000
3. Determined by number of children to be accommodated
4. 400
5. Two times single-family dwelling
6. 672

g. Plan of Landscape Development to be submitted with application.

h. Maximum Height of Structure--(Feet).

1. #
2. As required by appropriate state or federal agency
3. Same as light industrial
4. 45
5. 70
6. 25

- i. Fence.
 - 1. 6-foot wire mesh where accessible to the public
 - 2. 6-foot wire mesh when located at ground level
 - 3. 4-foot wire mesh around play area
 - 4. Solid wall or solid painted fence eight (8) feet high
 - 5. 4-foot wire mesh abutting residential use
 - 6. Painted board fence eight (8) feet high
 - 7. Adequate to protect abutting use as determined by City Council
 - 8. 6-foot wire mesh
 - 9. 6-foot solid painted for refuse dump
 - 10. 6-foot wire mesh abutting residential use.
 - 11. 8-foot high, solid stained fence.

- j. Screen Planting Where Abutting Residential Use--(Tight Screen, Effective at All Times).
 - 1. 6-foot height by 6-foot width
 - 2. 25 feet abutting residential district or use
 - 3. 8-foot height by 6-foot width
 - 4. Adequate to screen power substation from street view
 - 5. 6-foot high along streets for refuse dump
 - 6. 6-foot high and 6-foot wide - for parking area

- k. Parking Spaces.
 - 1. 1 per 2 employees, plus 1 per 4 seats in waiting room
 - 2. 1 per 2 customers or members
 - 3. 1 per 2 employees, plus 3 per doctor
 - 4. 1 per 3 employees, plus 1 per 6 students
 - 5. 30
 - 6. 1 per 3 employees per shift
 - 7. 1 per 3 employees plus 1 per 125 sq. ft. of sales area
 - 8. 1 additional
 - 9. 1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees, plus 1 per hospital vehicle
 - 10. 1 per 2 employees on largest shift
 - 11. 1 per 2 employees
 - 12. 1 per 2 employees, plus 1 per 5 children to be accommodated
 - 13. 1 per 2 employees, plus 2 per mobile home stand
 - 14. 1 per 3 employees, plus 1 per 500 sq. ft. of use area
 - 15. 1 per 3 employees plus 1 per 10 inmates at estimated capacity
 - 16. 1 per 3 employees plus 1 per driving tee
 - 17. 1 per camp site and 1 per cabin
 - 18. Telephone exchanger per employee
 - 19. 1 per employee per shift
 - 20. 1 per 2 employees where headquartered
 - 21. 1 per 5,000 sq. ft.
 - 22. One
 - 23. 1 per 60 sq. ft. of sales area
 - 24. 3 per 4 employees plus 1 per 4 seats
 - 25. 1 per 2 employees plus 10 for customers
 - 26. 1 per employee, plus 1 per sleeping accommodation
 - 27. Two

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- 28. 1 per employee, plus 1 for each 6 seats in main auditorium
- 29. 1 per 3 members
- 30. 1 per employee at peak shift and 1 space per grooming table (except for businesses on Main Street in the C-2 zoned district where 1 per employee at peak shift is required).

l. Distance of Parking Area from Residential Use (Feet).

- 1. 10
- 2. 25
- 3. 50
- 4. 100
- 5. 300

m. Number of Loading and Unloading Berths

- 1. 1
- 2. 2
- 3. Per development plan
- 4. 15,000 sq. ft.--1
Over 15,000 sq. ft.--2
- 5. Up to 200 beds--1;
200 to 500 beds--2;
Over 500 beds--3
- 6. 15,000 sq. ft. or less--1;
15,001--40,000 sq. ft.--2;
40,001--100,000 sq. ft.--3;
each additional 40,000 sq. ft.--1 additional

n. Distance of Loading and Unloading Berth from Residential Use (Feet).

- 1. 50
- 2. 100
- 3. 300

o. Plat approved by the City Council to be submitted with application.

p. Development Plan to be submitted with application.

q. Covenant by Owners to Perpetuate Maintenance and Approve Future Improvements.

r. Maximum Number of Principal Entrances from Major Thoroughfare.

- 1. 1
- 2. 2
- 3. In accordance with plans approved by the City Council with the recommendation of the City Engineering Consultant.

s. Acceptable Relationship to Major Thoroughfare.

t. Thoroughfares Must be Adequate to Carry Additional Traffic Engendered by Use.

u. Other Authority Approval Required.

- 1. State Board of Health

2. Aeronautics Commission
3. National Rifle Association (NRA) standards or similar standards approved by the City Council (Item 3 added per Ord. 2898 - 09/19/2011)

v.1. Outdoor artificial lighting shall be approved by the building commission.

v.2. The illumination from on-premises lighting will be so directed as to not cause direct lighting to encroach on adjoining property or so as to otherwise adversely affect or interfere with the use of adjoining property.

w. Disposal of Liquid and Other Wastes Shall Meet the Approval of the Pertinent Health Authorities.

x. No Sales, Dead Storage, Repair Work, or Dismantling on the Lot.

y. Except for approved exits and entrances a masonry wall four feet in height and six inches thick erected at required front line of building and may be required along boundaries of parking area, as determined by the City Council for the protection of residentially zoned or used property.

z. Must conform with multi-family dwellings, except that in a C-2 General Business District the following requirements shall apply instead of those provided for in Chapter 17.24 where there is a conflict between the requirements contained in Chapter 17.24 and the following requirements:

i. Instead of the permitted uses authorized in Section 17.24.020(B) and (C) multiple-family dwellings allowed in a C-2 General Business District will be limited to four family dwelling units or structures, including condominiums, quadri-plexes, townhouses and row houses.

ii. The percentage of lot coverage in Section 17.24.060 shall not apply in a C-2 General Business District, but instead in a C-2 General Business District all main buildings, accessory buildings, driveways and paved parking lots shall not cover more than fifty-five (55) percent of the area of the lot.

iii. In a C-2 General Business District, the fire wall of all multiple-family dwellings hereinafter constructed shall be Columbia Building Code approved fire resistant material from the foundation to the roof line.

iv. As authorized by Section 11-30-4 of the Illinois Municipal Code (65 ILCS 5/11-30-4) for fire and life safety all of the exterior walls of multiple-family dwellings in a C-2 General Business District hereafter constructed or renovated or rehabilitated shall be constructed brick, brick veneer, stone or comparable masonry type incombustible building materials of brick, brick veneer, stone or comparable on all sides of the building containing the dwelling units; except that, currently existing multiple-family dwellings that are hereafter renovated or rehabilitated may be restored to their original design without exterior masonry type walls being required.

v. The illumination from on-premises lighting will be so directed as to not cause direct light to encroach on adjoining property or so as to otherwise adversely affect or interfere with the use of adjoining property.

vi. Two (2) or more parking spaces shall be required for each family dwelling unit.

aa. Must conform to requirements of Section 17.42.060 (Regulations pertaining to

telecommunications antennae and support structures) of Chapter 17.42 (Additional Height, Area and Yard Regulations) of Title 17, Zoning, of the Columbia, Illinois Municipal Code, enacted by City Ordinance No. 1635 on December 1, 1997, and the application process provided for therein and thereby.

bb. The following conditions are applicable to vehicle towing and storage businesses in the C-3 highway business district:

- i. Vehicles as referred to herein shall include automobiles, buses, campers, motorcycles, pick up trucks, recreational vehicles, ships, trucks and vans as defined in Section 17.40.030 of this code.
- ii. Site shall not exceed one-half acre.
- iii. Adequate paving shall be provided for areas where vehicles will be stored.
- iv. Stored vehicles shall be contained within a sight-proof fence.
- v. All towing vehicles kept on site shall be contained within a sight-proof fence.
- vi. The applicant will comply with such other reasonable requirements of the City Council as the City Council hereafter determines to be necessary to protect the public health, safety, and welfare of the citizens of the City.

cc. Activity totally within building.

dd. The development standards:

1. Maximum floor area ratio (F.A.R.): 0.40.
2. Minimum lot size: twenty thousand (20,000) square feet.
3. Maximum structure height: four stories or fifty (50) feet.
4. Maximum site coverage: seventy (70) percent.
5. Yard and setback requirements:
No building or structure shall be located closer than thirty (30) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, the structure or building shall be set back a minimum of fifty (50) feet from the right-of-way. In every instance, the first ten feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks and landscaping, including but not limited to deciduous street trees as required by paragraph 11 of this subsection. The minimum side and rear yards shall be twenty-five (25) feet.
6. Outdoor storage of equipment or materials must be screened by an opaque, eight-foot high fencing on the sides and rear of the lot. Any storage areas visible from the road and/or a highway must include landscape screening composed of evergreen trees staggered at fifteen (15) foot on-center in addition to the fencing. Rooftop mechanical equipment must be adequately screened.

ee. Any overhead doors, loading areas or loading docks shall be located on the sides or rear of the building and if visible from a road and/or highway shall be screened with evergreen trees staggered at twenty (20) foot on-center.

ff. Artificial lakes and ponds to be maintained, free of algae, plankton, or duck weed. Mosquitos shall be controlled by introducing aquatic life that reduces mosquito population or by state approved treatment, and by maintaining edge of lake or pond free of vegetation. A two (2) to one (1) slope from

normal pool elevation (where the water intersects the bank) for a horizontal distance of four (4) feet from bank and thereafter not to exceed a six (6) to one (1) slope for a horizontal distance of six (6) feet to create a safety shelf (a/k/a "child shelf") which will result in a not to exceed three (3) feet of depth for a lineal distance of ten (10) feet from the shore line.

gg. City Council and Plan Commission to determine appropriate zoned area based upon manufacturing use.

hh. Hours of operation not to exceed from 7:00 A.M. to 9:00 P.M., Monday through Sunday of each week, except with respect to pet boarding.

ii. Note: Struck and deleted: "No animal boarding allowed." (Per Ordinance #2653 - May 5, 2008.)

jj. Minimum of 1 building commissioner inspection for health and sanitation, building and premises safety annually, prior to business permit renewal and unscheduled inspections as determined necessary by the building commissioner.

(Ord. 1842 § 2, 2000; Ord. 1703 § 1, 1998; Ord. 1690 §§ 1, 2, 1998; Ord. 1669 § 1, 1998; Ord. 1660 § 1, 1998; Ord. 1651 §§ 1, 2, 1998; Ord. 1619 § 1, 1997; Ord. 1612 § 1, 1997; Ord. 1571 § 1, 1997; Ord. 1553 § 1, 1997; amended during 1997 codification; Ord. 1506 § 1, 1996; Ord. 1496 § 2, 1996; Ord. 1446 § 1, 1996; Ord. 1434 § 1, 1996; Ord. 1405 § 1, 1995; Ord. 1024 § 1, 1992; Ord. 957 § 1, 1991; Ord. 901 § 2, 1990; Ord. 868 § 1, 1990; Ord. 821 § 2, 1990; Ord. 751 § 1, 1989; Ord. 700 § 1, 1988; Ord. 673 § 1, 1987; Ord. 594 § 5, 1985; prior code § 40-10-1)

(Ordinance No. 3665, Amended, 03/18/2024, Removed "Bed and Breakfast Establishments" and added "Short-term Rentals"; Ord. No. 3440, Repealed & Replaced, 12/03/2018; Ordinance No. 3204, Amended, 09/21/2015, Amended Section 17.40.010 (D) of the Columbia Municipal Code regarding special use exceptions, requirements and procedures. (Changed "and" to "or"; Ordinance No. 3137, Added, 11/03/2014, Added Bulk Ice Dispensing Facility to Figure 1 Special Use Exceptions and Requirements.; Ordinance No. 2972, Amended & Added, 09/17/2012, Added Lawn and Landscaping Business as a Special Use.; Ordinance No. 2949, Added, 05/07/2012, Added Figure 1 - Call Center and College or University - Special Use Exceptions and Requirements.; Ordinance No.2899, Added, 09/19/2011, Added Churches to Figure 1, Special Use Exceptions and Requirements, BP-2 District.; Ordinance No. 2898, Added, 09/19/2011, Added Indoor Shooting Range to Figure 1. skm; Ordinance No. ;2898, Amended, 09/19/2011, Added Item 3 under "u." (NRA standards) ; Ordinance No. 2877, Amended, 06/20/2011, Added Retail Used Car and Truck Sales to Figure 1 - Special Use Exceptions and Requirements.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Code to Columbia Building Codes.; Ordinance No. 2653, Amended, 05/05/2008, Struck and deleted ii (No animal boarding allowed).; Ordinance No. 2653, Amended, 05/05/2008, hh - added "except with respect to pet boarding."; Ordinance No. 2653, Amended, 05/05/2008, Added Pet Boarding Businesses.; Ordinance No. 2630, Amended, 02/04/2008, Section B of Section 17.30.020 and Figure 1 of 17.40.010.; Ord. 2449, Added, 03/20/2006, Added Apparel and accessory shops, Custom sign shops and Novelty shops to 17.40.010.; 17.40.010 , Added, 01/16/2006, Added 4 uses permitted by special use permit: Assisted Living Homes, Convalescent Homes, Nursing Homes and Senior Care Homes.; Ord. 2417, Amended, 12/05/2005, Changed Requirements Designation "v" to "v(1) and v(2)."; Ordinance No. 2417, Amended, 12/05/2005; Ord. 2417, Amended, 12/05/2005, Added Special Use Exceptions and Requirements; Ord. 2399, Amended, 09/19/2005, Added for Pet Grooming Business; Ord. 2399, Amended, 09/19/2005, Added Pet Grooming Business; Ord. 2377, Amended, 07/05/2005, Changed "Commission" to "City Council" in Requirement Designation subparagraphs o, v & y.; Ord. 2377, Added, 07/05/2005, Added r.3. Requirement Designation Requirements; Ord. 2377, Added, 07/05/2005, Added Auto Auction Business; 17.40.010 (Ord. 2173), Amended, 05/19/2003, Removed "cc" from Boat and Trailer Storage (including outside storage); 17.40.010 (Ord. 2136), Amended, 01/20/2003; 17.40.010 - Ord. 2086, Amended, 08/19/2002, Storage Units Buildings - Rental; 17.40.010 (Ord. 2085), Amended, 08/19/2002, Artificial Lake or Pond ; 17.40.010 (Ord. 1979), Amended, 08/20/2001; 17.40.010 (Ord. 1434), Amended, 04/15/1996, Amend Zoning Code to limit Multi-Family Development in an R-6 (One Family Dwelling District), Where Allowed by Special Use Permit, to Two (2) Family Residences. (This ordinance was not amended into new code book or Code Master.))

Chapter 17.42**ADDITIONAL HEIGHT, AREA AND YARD REGULATIONS****Sections:**

- 17.42.010** **Scope.**
- 17.42.020** **Additional height regulations.**
- 17.42.030** **Additional area regulations.**
- 17.42.040** **Additional yard regulations.**
- 17.42.050** **Additional regulations pertaining to satellite earth stations.**
- 17.42.070** **Additional Regulations for Solar Energy Systems.**

Section 17.42.010 **Scope.**

The district regulations set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title. (Prior code § 40-10-2 (part))

Section 17.42.020 **Additional height regulations.**

A. Single-family dwellings and two-family dwellings may be increased in height by not more than ten feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten feet, but they shall not exceed three stories in height.

B. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, radio towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of the municipality.

C. No part of any ground-mounted satellite earth station shall exceed a height of twelve (12) feet above existing grade. No part of any roof or wall-mounted earth station shall extend more than three feet above the roofline of the building to which it is attached. (Ord. 594 § 2, 1985; prior code § 40-10-2(A))

Section 17.42.030 **Additional area regulations.**

A. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes unless the main building on the lot is also being used for dwelling purposes.

B. More than one industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use requirements.

When more than one multiple dwelling building is erected upon a single lot or tract, the minimum distances between main buildings shall be the following:

1. Front to front, seventy (70) feet; front to rear, sixty (60) feet;
2. Side to side, one-half the height of the taller building, but not less than twenty (20) feet;
3. Front to side or rear to side, the height of the taller building, but not less than thirty (30) feet;
4. Rear to rear, fifty (50) feet;

C. Where an open space is more than fifty (50) percent surrounded by buildings, the minimum width of the open space shall be thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings. (Prior code § 40-10-2(B))

Section 17.42.040 Additional yard regulations.

A. In computing the depth of a rear yard, where such yard opens onto an alley, one-half of the alley width may be included as a portion of the rear yard.

B. Accessory buildings which are not a part of the main building may be built in a rear yard within five feet of the rear lot line. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard.

C. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding eight feet in height, except on that portion of lots within thirty (30) feet of the intersection of two or more streets.

D. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than four feet, six inches, and the ordinary projections of chimneys and flues may be permitted by the building inspector.

E. For the purposes of side yard requirements, a two-family dwelling shall be considered as one building occupying a single lot.

F. An open, unenclosed porch not more than one story in height, or paved terrace may project into the required front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than forty (40) square feet may project into the required front yard for a distance not to exceed four feet.

G. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the first (ground) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

H. When forty (40) percent of a frontage is developed with two or more buildings, then the depth of the front yards heretofore established shall be adjusted in the following manner:

1. When the building furthest from the street provides a front yard no more than ten feet deeper than the building closest to the street, then the average depth of the front yard for such frontage shall be the minimum depth of front yard for new buildings in such block.

2. When the above is not the case, and the lot is within one hundred (100) feet of an existing building on each side, excluding, however, buildings on corner lots which front the intersecting street, then the depth of the front yard shall be determined by a line drawn from the closest front corners of these two adjacent buildings.

3. When neither subsection (H)(1) or (2) of this section is the case and the lot is within one hundred (100) feet of an existing building on one side only, excluding, however, buildings on corner lots which front upon the intersecting street, then the depth of the front yard shall be the same as that of the existing adjacent building.

4. In the application of the above paragraphs, the adjusted depth of the front yard need not exceed forty (40) feet in C-2 general business districts.

I. In all zoned districts in the City, a triangular open space at the intersection of streets at a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade shall be maintained. The street grade shall be measured at the intersection of the center lines of the intersecting street pavements. The triangular space shall be determined and defined by a diagonal line connecting two (2) points on the back of the curbs where the

streets at the intersection have curbs or from outside of pavement where an intersecting street does not have curbs. The two (2) points shall be determined and defined by a prolongation of a line extending from the point of tangency (where a straight line of the curb or street pavement intersects the point of the curve where the street or curb changes to a radius at the intersection) to intersect a similar prolongation of the curb or street pavement of the intersecting street to the point where the two (2) line extensions intersect. From that point of intersection, the two (2) points for locating the diagonal line is established by measuring back and away from the point of intersection, 15 feet or the distance required to arrive at the point of tangency where the straight line of the curb or street pavement changes to a radius, whichever is the longer distance..

J. In single-family dwelling districts, R-2, R-3, R-4, R-5 and R-6, when seventy-five (75) percent of the frontage of a block on both sides of the street between two intersecting streets or between an intersecting street and a cul-de-sac has been developed with main building and accessory buildings with side yards less than that required by the dwelling district in which the property is situated, then the side yard requirement for any main buildings or accessory buildings in the block shall be the average side yard of all parcels of property in the block rather than the side yard set forth in the dwelling district in which the parcel of property is situated. In determining the existing side yard of any developed parcel, in order to compute the average herein required, the side yard of the main building on any developed parcel shall be used except that when an accessory building exists with a smaller side yard than the main building has, the side yard shall be taken as being the average between the side yard of the main building and the side yard of the accessory building.

K. No ground-mounted satellite earth station shall be located in any front or side yard, but may be located in the rear yard. No part of any ground-mounted satellite earth station, including the hard-surface (concrete) slab or other substructure on which it is situated, shall be located closer to any lot line than the total height of said earth station or, in any case, closer than ten feet to any lot line or easement; provided, however, that with respect to easements, this requirement may be waived if the owner or entity having beneficial use of such easement has granted written permission to encroach thereon. (Ord. 594 § 3, 1985; prior code § 40-10-2(C))

(17.42.040 (Ord. 2094), Amended, 10/07/2002, This ordinance repeals and replaces Ord. No. 2087 enacted 09/03/2002. Redefine the Definition for Triangular Space to be Maintained at Intersecting Streets for a Corner Lot. ; 17.42.040 (Ord. 2087), Amended, 09/03/2002, Subparagraph I., Redefine the definition for triangular space to be maintained at intersecting streets for a corner lot.)

Section 17.42.050 Additional regulations pertaining to satellite earth stations.

A. Diameter. No ground-mounted satellite earth station shall exceed twelve (12) feet in diameter. No roof or wall-mounted satellite earth station shall exceed three feet in diameter.

B. Mounting. Any ground-mounted satellite earth station shall be permanently ground-mounted, and no such earth station shall be mounted on a portable or moveable structure. Every roof or wall-mounted satellite earth station shall be mounted directly to the wall or roof of a principal or accessory building but not to any appurtenance such as a chimney, tower or pole.

C. Stability. Any ground-mounted satellite earth station shall be designed and installed so as to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires. Any roof or wall-mounted satellite earth station shall be able to withstand a wind force of eighty-five (85) miles per hour without supporting guy wires. No guy wires used to stabilize any satellite earth station shall extend beyond the lot lines of the lot on which such earth station is located.

D. Wiring. The wiring connecting a ground-mounted satellite earth station and its receiver shall be placed at least twelve (12) inches beneath the surface of the ground.

E. Motor. Any driving motor of a satellite earth station shall be limited to one hundred ten (110) volt maximum power design and shall be encased in protective guards.

F. Grounding. Every satellite earth station shall be properly connected to a grounding rod, defined as a metal pole permanently positioned in the ground to serve as an electrical conductor through which electrical current may safely pass and dissipate.

G. Number. Generally, only one satellite earth station shall be permitted on any lot. In the case of a lot whereon more than one principal building is located the number of satellite earth stations shall not exceed the number of principal buildings.

H. Screening. Every ground-mounted satellite earth station shall be screened so that it is not easily visible between ground level and ten feet above ground level from any public right-of-way or adjoining lot. Such screening may consist of buildings, walls, solid fencing, dense plantings which constitute an effective visual barrier year-round, earth berms, or any combination of these. (Ord. 594 § 4, 1985: prior code § 40-10-2(D))

Section 17.42.070 Additional Regulations for Solar Energy Systems.

H. **Purpose.** The purpose of these regulations is to preserve the health, safety, welfare, and harmonious development of the community by providing opportunities for the installation and use of safe and effective solar energy systems.

I. **Applicability.** This Section applies to all solar energy system installations within the City of Columbia's zoning jurisdiction.

J. **Definitions.** As used in this Section, the following terms shall be defined as indicated.

AGRIVOLTAICS: A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

BUILDING OFFICIAL: The individual appointed by the Mayor of the City of Columbia to fill the role of Building Official with responsibility over administration and enforcement of the Building Code, including individuals designated and authorized to act on behalf of the Building Official.

CORPORATE AUTHORITIES: The Mayor and City Council of the City of Columbia.

GRID-INTERTIE SOLAR ENERGY SYSTEM: A photovoltaic solar energy system that is electrically connected to an electric circuit served by an electric utility company.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

LARGE-SCALE SOLAR ENERGY SYSTEM: A ground-mounted photovoltaic solar energy system that generates electricity primarily to serve off-site demand. This may include retail sale direct to end users, wholesale sale to one or more electric utility, or generation by an electric utility for sale to its own retail or wholesale customers. Such a system is considered the primary use of the site on which it is located.

NET METERING: The measurement of the net amount of electricity supplied to an eligible customer by an electric provider/utility during a given billing period, after accounting for the amount of solar-generated electricity supplied to the provider/utility by said customer.

PASSIVE SOLAR ENERGY SYSTEM: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PHOTOVOLTAIC SOLAR ENERGY SYSTEM: A solar energy system that converts solar energy directly into electricity.

OFF-GRID SOLAR ENERGY SYSTEM: A photovoltaic solar energy system that is not electrically connected to electric circuits served by an electric utility company.

QUALIFIED DESIGN PROFESSIONAL: An individual licensed and authorized by the State of Illinois to practice as a design professional, such as engineer or architect, according to the scope of practice and standards established by the State for a specific design profession.

ROOF (FLAT): A roof that slopes at an angle less than 10 degrees, relative to the horizon. This angle may also be expressed as a 1:6 grade ratio or a 17.633% grade.

ROOF (PITCHED): A roof that slopes at an angle of 10 degrees or greater, relative to the horizon. This angle may also be expressed as a 1:6 grade ratio or a 17.633% grade.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

SMALL-SCALE SOLAR ENERGY SYSTEM: A ground-mounted photovoltaic solar energy system that generates electricity primarily to serve on-site demand. This shall include such systems connected to an electric utility solely for net-metering purposes.

SOLAR ACCESS: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

SOLAR DAYLIGHTING: Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

SOLAR HOT AIR SYSTEM: A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most

efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

SOLAR HOT WATER SYSTEM: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR READY DESIGN: The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

SOLAR RESOURCE: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year, and can be measured in annual watts per square meter.

TILT ANGLE: The angle of orientation of a solar collector at a given time, with 0 degrees being parallel to the horizon (flat) and 90 degrees being perpendicular to the horizon (upright). Design tilt refers to the minimum and maximum tilt angles a specific collector is designed to achieve.

ZONING ADMINISTRATOR: The individual serving as the City of Columbia's Director of Community Development, who has responsibility over administration and enforcement of the Zoning Code, including individuals designated and authorized to act on behalf of the Zoning Administrator.

D. Reference Table of Zoning Permissions by District & System Type

Type of Solar Energy System	Zoning District				Regulated as Primary or Accessory Structure
	Agricultural A-1	Residential R-1 thru R- 7	Commercial C-1, C-2, C-3, BP-1, BP-2, OP, CP	Industrial I-1	
Building-mounted or Building-integrated Systems					
Property w/full zoning compliance	✓	✓	✓	✓	-
Property w/legal non-conforming status	✓	✓	✓	✓	-
Property non-compliant w/conditions of issued Special Use Permit	■	■	■	■	-
Property w/illegal zoning status	✕	✕	✕	✕	-
Ground-mounted Systems					
Small-scale Systems	Allowance may depend on other considerations, see Sec. G.2.				
Rear yard	■	■	■	■	A

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Side yard	■	●	●	●	A
Front yard (lots with local street frontage or private access)	■	×	●	●	A
Front yard (lots with highway, arterial, collector frontage)	■	×	×	×	A
Large-scale Systems	■	×	×	■	P
✓ = Allowed By-right ■ = Special Use ● = Special Use w/considerations × = Prohibited P = Primary A = Accessory					

E. General Provisions. All solar energy systems shall comply with applicable requirements of this Subsection, except as otherwise provided in this Section.

1. No solar energy system or component thereof shall be installed without the applicable building, electrical, plumbing and other required permit(s) issued by the Building Official.
2. Solar energy systems, including all componentry and utility system connections, shall fully comply with all applicable provisions of the Building Code in effect at the time of application, including all regulated trade components, such as plumbing, electrical, etc.
3. No building permit shall be issued for a solar energy system without an approved site plan prepared and submitted in accordance with Building Code Section 15.04.032 *Site Plan Requirements*.
4. The applicant shall be responsible for obtaining approval from their homeowners' association (HOA) or similar entity, if applicable. However, no HOA or similar entity shall be entitled to deny the installation of a City-approved solar energy system, unless said entity fully complies with the Homeowners' Energy Policy Statement Act (765 ILCS 165). In such circumstances, the HOA or other applicable entity shall, upon request of the applicant or City, furnish a copy of the duly enacted policy statement demonstrating compliance with the Act.
5. Grid-intertie systems shall comply with the interconnection requirements of the applicable electric utility. Applicants shall notify the electric utility of the proposed interconnection and shall submit proof of notification to the Building Official prior to building permit issuance.
6. All electric solar energy system components shall have a UL or equivalent listing. Solar hot water systems must have an SRCC rating.
7. All interconnection conduits, cables and wiring between a grid-intertie system and an electric utility system shall be installed underground.
8. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

9. A Certificate of Appropriateness issued by the Columbia Heritage & Preservation Commission shall be required prior to building permit issuance for all installations on a structure or property designated as a local, state, or national historic landmark.
- A. **Building-mounted & Building-integrated Systems.** Such systems mounted to, ballasted on, or integrated into an existing primary or accessory structure on any lot shall be considered a component of said building or structure when installed, maintained, and used in accordance with this Subsection.
1. Building-mounted or building-integrated installations shall only serve structures located on the same lot or parcel as the solar energy system. This shall not be construed as to prohibit net-metering connections.
 2. No building permit for such system installations shall be issued without first verifying and receiving the required zoning approvals, as determined by the Zoning Administrator. Such determinations shall be made in accordance with the following provisions.
 - a. Such systems shall be allowed as a matter-of-right in all zoning districts and shall require no further zoning approvals when:
 - i. The subject property, including all land uses, structures, and site conditions existing on said property, fully complies with applicable zoning regulations.
 - ii. A valid special use permit has been issued for the subject property, if applicable, and the land uses, structures, and site conditions existing on said property are in full compliance thereof.
 - iii. The subject property, or any land use, structure, or site condition existing on said property, has legal noncompliant zoning status.
 - b. Such systems shall be allowed only by way of special use permit approved per Chapter 17.40 *Special Uses* when a valid special use permit has been issued for the subject property and the land uses, structures, or site conditions existing on said property are not fully compliant with the conditions of the issued permit.
 - c. No such systems shall be allowed and no building permit shall be issued when the subject property, or any land use, structure, or site condition existing on said property, has illegal or noncompliant zoning status.
 3. All mounting surfaces, framing, and structural components of the primary building and all system structural components, frames, brackets, ballasting, fasteners, hardware, etc. shall be structurally sufficient, as determined by the Building Official.
 - a. This shall account for localized wind/ice/snow loading according to standard professional practices for structural design.
 - b. The Building Official may require submittal of any drawings, specifications, or other documentation necessary to demonstrate structural sufficiency, which shall be prepared by a qualified design professional.

4. In addition to the required site plan, colored elevation drawings shall be submitted with the building permit application, which depict each building elevation upon which system components will be installed.
5. The finished height of such systems shall not exceed the maximum allowed height of the applicable zoning district, when oriented at maximum tilt.
6. Aesthetic considerations shall be provided as follows.
 - a. **Exterior Walls.** The following shall apply to system componentry installed on or integrated into exterior walls:
 - i. No components shall be allowed on the front façade of any building. For buildings on corner lots, no components shall be allowed on a side wall that faces a public street, except where determined by the Building Official to be the only feasible location.
 - ii. No component shall project more than 12 inches perpendicular from the wall surface, except that awnings with integrated solar collectors may project no more than 4 feet 6 inches perpendicular from the wall surface.
 - iii. No component shall extend vertically above the wall's top edge or extend horizontally beyond the wall's side edge or corner.
 - b. **Pitched Roofs.** The following shall apply to system componentry installed on or integrated into pitched roofs:
 - i. Solar collectors and other components shall be allowed on any face of a roof, as needed to maximize solar access, but shall be mounted flush to the roof surface and at the same finished pitch.
 - ii. No component shall project more than 12 inches perpendicular from the roof surface.
 - iii. No component shall extend above the peak of the roof or overhang any edge of the roof.
 - c. **Flat Roofs.** The following shall apply to system componentry installed on or integrated into flat roofs:
 - i. Such components shall be exempt from any screening requirements applicable to rooftop equipment or mechanical systems. Solar collectors, including frames, racking, and other mounting components, may be used to screen other rooftop equipment when such screening is required.
 - ii. No component shall project more than 5 feet perpendicular from the finished roof surface.
 - iii. No component shall overhang any edge of the roof, except for conduits, cables, or wiring routed over a roof edge when determined by the Building Official to be the only feasible routing option.

- B. **Ground-mounted Solar Energy Systems.** Two types of ground-mounted solar energy systems defined above in Subsection C *Definitions* are regulated herein: Small-scale and Large-scale. All such systems shall require a special use permit approved per the process described in Chapter 17.40 *Special Uses* and shall be installed, maintained, and used in accordance with this Subsection.

1. **Requirements for All Ground-mounted Installations.** The following general provisions shall apply to both small-scale and large-scale ground-mounted solar energy systems, except when in conflict with a more restrictive standard.
 - a. **Maximum Height at Maximum Design Tilt.** 15 feet, as measured from the adjacent finished grade.
 - b. **Lot Coverage.** Lot coverage, where applicable, shall be calculated based on the area covered at the minimum design tilt angle.
 - c. **Solar Access.** No system shall be approved that interferes with the solar access of an existing solar energy system installed on another property.
 - d. **Aviation Protection.** All systems proposed within 500 feet of an airport or within an airport approach zone shall submit a glare analysis prepared by a qualified design professional, in accordance with current guidance adopted by the Federal Aviation Administration (FAA).
 - e. **Conditions of Approval.** Special use approval may be conditioned upon additional improvements or actions, such as screening or landscaping, to mitigate negative impacts to adjacent properties.
2. **Small-scale Solar Energy Systems.** Such systems shall be considered accessory structures that require special use permit approval. Special use approval may be granted in conjunction with any allowable primary use in any zoning district, subject to applicable zoning district standards. In addition to the above Subsection E *General Provisions* and Subsection F.1 *Requirements for All Ground-Mounted Installations*, the following provisions shall apply to small-scale systems:
 - a. **Minimum Setbacks at Minimum Design Tilt.** Where the applicable zoning district is less restrictive, the following minimum setbacks shall apply: 15 feet from any other structure; 80 feet from state or federal highway rights-of-way; 60 feet from other public street rights-of-way; 15 feet from any property boundary that is not a right-of-way line.
 - b. No such system shall be installed on a lot or parcel other than the same lot or parcel on which the primary structure is located.
 - c. **Rear Yard Encroachments.** Special use approval for rear yard installations and encroachments shall be allowed for all uses in all zoning districts.
 - d. **Side Yard Encroachments.** Special use approval for side yard installations and encroachments shall be allowed in accordance with the following provisions.
 - i. Such encroachments may be approved for lots in the A-1 agricultural zoning district.

- ii. Such encroachments may be approved for lots in non-agricultural zoning districts (districts other than A-1) only if the rear yard has insufficient space or inadequate solar access, as documented in writing by a qualified design professional and submitted at the time of application.
 - e. **Front Yard Encroachments.** Special use approval for front yard installations and encroachments shall be in accordance with the following provisions.
 - i. Such encroachments may be approved for lots in the A-1 agricultural zoning district.
 - ii. Such encroachments are prohibited and shall not be approved for lots in residential zoning districts R-1 through R-7 and lots in commercial or industrial zoning districts (districts other than A-1 or R-1 through R-7) that have frontage on a federal highway, state highway, public arterial street or public collector street.
 - iii. Such encroachments may be approved for lots in commercial or industrial zoning districts (districts other than A-1 or R-1 through R-7) with frontage on a public local street or private street, or lots accessible only by way of easement, only if the site has insufficient space or inadequate solar access elsewhere, as documented in writing by a qualified design professional and submitted at the time of application.
 - f. All ground-mounted equipment shall be installed in a single grouping within a clearly defined and delineated area, subject to the following provisions:
 - i. The system shall be enclosed by a gated fence between 4 feet and 6 feet in height, encompassing the perimeter of the installation.
 - ii. The enclosed installation area shall not be paved, graveled, or otherwise covered by an impervious surface material of any type, except in locations where such conditions existed prior to installation.
 - g. Such systems shall not count against maximum lot/yard coverage requirements or limitations on the number of allowed accessory structures. However, the total enclosed installation area shall not exceed 50% of the area encompassed by the primary structure's footprint.
3. **Large-scale Solar Energy Systems.** Such systems shall be considered primary land uses allowed only by special use permit in the A-1 Agricultural and I-1 Light Industrial zoning districts. In addition to the above Subsection E *General Provisions* and Subsection F.1 *Requirements for All Ground-Mounted Installations*, the following provisions shall apply to large-scale systems:
- a. **Minimum Lot Size.** 20 acres.
 - b. **Minimum Setbacks at Minimum Design Tilt.** A minimum front yard setback of 100 feet shall be required. Minimum side and rear yard setbacks shall be 75 feet from properties zoned for residential uses (R-1 through R-7) and 35 feet from properties zoned for non-residential uses.

- c. **Screening.** An opaque screening fence at least 6 feet in height shall be installed along all property boundaries shared with a residential zoning district (R-1 through R-7). Tight landscape screening may be approved in lieu of screening fence, subject to submittal of a landscape plan, when such affords equal screening. A finding of fact supporting the landscape screening shall accompany such special use approvals.
- d. **Fencing.** The entire project site shall be secured with a perimeter fence at least 6 feet in height. Barbed wire and woven wire fencing shall be prohibited. Where applicable adjacent to residential zoning, screening fencing may be used to satisfy this requirement.
- e. **Vegetation & Ground Cover.** Ground cover shall be installed and maintained consistent with the *Pollinator-Friendly Solar Site Act* (525 ILCS 55/1) and related guidance published by the Illinois Department of Natural Resources (IDNR).
 - i. The site plan shall include a vegetation management plan adhering to the pollinator-friendly scorecard published by IDNR.
 - ii. Pollinator-friendly standards and scorecard shall be maintained for the duration of facility operations, until the site is decommissioned.
 - iii. The City may require an inspection fee at the time of the initial permit application to support ongoing inspection activities.
 - iv. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the City of Columbia equal to 125% of the costs of meeting the pollinator-friendly standards. The financial guarantee shall remain in effect until vegetation is sufficiently established, as determined by the Building Official. City of Columbia corporate authorities shall reserve the right to accept or reject the choice of financial institution providing said guarantee.
 - v. Plant materials shall not have been treated with systemic insecticides, particularly neonicotinoids.
 - vi. Solar collectors that are constructed and maintained in compliance with these provisions shall not be considered impervious surfaces for the City's stormwater management regulations, erosion control provisions, or NPDES permit requirements.
- f. **Agricultural Protection.** Commercial systems shall comply with site assessment or soil identification standards that are intended to identify agricultural soils, including submitting an Agricultural Impact Mitigation Plan (AIMP) to the City and the Illinois Department Agriculture, as required by the *Renewable Energy Facilities Agricultural Impact Mitigation Act* (505 ILCS 147/1, et seq.). The City may require mitigation of prime soils for solar projects, including the following:
 - i. Demonstrating co-location with agricultural uses on the project site.
 - ii. Approving the special use for a limited time to allow the site to be returned to agricultural use upon end of life or decommissioning.

- iii. Protecting prime soils with agricultural conservation easements on an equivalent number of acres in the vicinity.
- iv. Locating the project in a wellhead protection area to remove agricultural uses from high-risk recharge areas.
- g. **Decommissioning.** The decommissioning plan required as part of the AIMP shall be prepared and submitted as part of the AIMP, which shall:
 - i. Require system decommissioning in the event the project is not in use for 12 consecutive months.
 - ii. Include provisions for removal of all structures and foundations, restoration of soil and vegetation, and consistency with all standards of the AIMP.
 - iii. Disposal of structures and foundations shall meet applicable provisions of the Columbia Municipal Code.
 - iv. Provide assurances consistent with the Illinois Department of Agriculture's standard agricultural impact mitigation agreement.
 - v. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the City of Columbia equal to 125% of the costs of decommissioning the site. The financial guarantee shall remain in effect until the site is fully decommissioned and restored in compliance with the approved AIMP. City of Columbia corporate authorities shall reserve the right to accept or reject the choice of financial institution providing said guarantee.

(Ordinance No. 3643, Added, 04/24/2023)

Chapter 17.43

MASONRY COVERAGE REQUIREMENT

Sections:

17.43.010 Masonry coverage requirement.

Section 17.43.010 Masonry coverage requirement.

A masonry coverage requirement for single family houses located in the following zoned districts in the city, to wit: R-1 (One-Family Dwelling Zoned District), R-2 (One-Family Dwelling Zoned District), R-3 (One-Family Dwelling Zoned District), R-4 (One-Family Dwelling Zoned District), R-5 (One-Family Dwelling Zoned District), R-6 (One-Family Dwelling Zoned District), and R-7 (Multi-Family Dwelling Zoned District) shall be as follows:

A. In real estate subdivisions the final subdivision plats for which are approved by the city's city council after the 3rd day of January, 2006, the exterior walls of single family dwelling houses constructed in these zoned districts shall be constructed in compliance with the following exterior building materials requirement:

(1) A minimum of three (3) sides (profiles) of the exterior walls of fifty per centum (50%) of the dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city's city council, after considering the recommendation of the city's building commissioner and/or the city's architectural review committee]).

(2) The front façade (the profile of the dwelling house facing the street) of thirty per centum (30%) of the dwelling houses to be located on the lots in the subdivision shall be constructed of face brick, from the ground level (the building foundation) to the building's eaves (excluding gables, dormers, openings for windows and doors, trim [and for accenting authorized by the city's city council after considering the recommendation of the city's building commissioner and/or the city's architectural review committee]).

(3) The exterior walls of twenty per centum (20%) of the dwelling houses to be constructed on lots located in the subdivision may be constructed of building materials other than face brick, which may include but shall not be required to be limited to stucco, vinyl siding, wood siding, or cement board lap siding.

B. Variations from Masonry Coverage Requirement. Notwithstanding the exterior wall masonry building coverage requirement contained in the preceding subsection A, when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the requirements contained in subsection A above would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the city council shall be empowered to authorize, upon application in regard to such property, a

variance from such requirements to allow the dwelling house to be constructed on the property to be constructed of materials other than as is required by said subsection A provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at the time of reference; and, (ii) the proposed materials are authorized by the city council (with the advice and/or recommendation of the city's zoning administrator and/or the city's architectural review committee). In granting a variance to a property owner pursuant to this subsection of this section of this code, economic hardship caused to a property owner resulting from the cost of exterior building wall brick masonry construction as compared to the cost of alternative exterior building wall building material construction authorized and approved by the Columbia Building Codes shall not be a factor to be considered by the city council. Such economic hardship caused to a particular property owner shall not constitute a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the property owner justifying relief from the strict application of the requirements of subsection A above.

Ordinance No. 2853 passed & approved March 7, 2011 - SUBSECTION C (General Requirements) of Section 17.43.010 (Masonry Coverage Requirement) of Chapter 17.43 (Masonry Coverage Requirement) of Title 17 (Zoning) of the Columbia, IL Municipal Code is here changed and amended to read as follows:

C. General Requirements. Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the city for city council approval shall depict on the plat drawing and shall state in a note or chart on the plat which lots shall be restricted to a minimum of three (3) sides (profiles) exterior brick masonry walls, which lots shall be restricted to a minimum of a front façade wall (profile) exterior masonry brick requirement and which lots shall be unrestricted as to an exterior wall brick masonry requirement. For ease of reference, the following code (or abbreviations) may be depicted on the lots on the plat drawing and used on the chart with reference to the subject restrictions: (1) for three (3) sides brick – (B3), (2) for front façade brick - (BF) and (3) for unrestricted lots - (0).

Plat submittals which lack the number of building lots to fully satisfy the exterior wall masonry brick restriction percentages required by subsection A above, shall be required to favor the more restrictive over the less restrictive or unrestricted building lots exterior wall brick masonry requirement. So that, for example:

(A) if there are only three (3) building lots in a subdivision, two (2) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining one (1) building lot shall be subject to the front wall brick facade (BF) restriction;

(B) if there are only five (5) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction; and,

(C) if there are only six (6) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction, two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction and the remaining one (1) building lot will not be subject to a exterior wall brick masonry construction restriction.

The application of the exterior wall brick masonry requirement percentages required by subsection A above shall be determined by the number of lots in a subdivision and not by the square footage of the bulk area of a subdivision or by some other method of measurement. The subdivider shall be required to select the location of the restricted and the unrestricted lots, in accordance with the requirements of subsection A above, at the time of the subdivider's first subdivision plat submittal to the city (that is, at the time of preliminary plat submittal for other than minor subdivisions and at the time of final plat submittal for minor subdivisions).

The exterior wall brick masonry requirement restriction that attaches to each building lot in a subdivision shall be a minimum construction requirement and shall run with the land to which the restriction pertains. After final platting of a subdivision, a restricted lot may be exchanged for an unrestricted lot or less restricted lot in the subdivision as follows:

(1) The city engineer and/or his/her designated representative may approve, in writing or by issuance of a building permit, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or a less restricted lot provided the masonry coverage requirement of subsection A above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the lots located within a subdivision to which the masonry coverage requirement applies, the next successive transfer or exchange of masonry coverage requirement for a lot in the subdivision shall require the submittal to and approval by the City Council of the layout of the subdivision plat of record with each lot labeled with the existing and proposed exterior wall brick masonry along with tables for the lots, one each, showing the existing, proposed and combined existing and proposed exterior wall brick masonry for each lot, and a computation of the exterior wall brick masonry designations for the combined existing and proposed exterior wall brick masonry table, before the City Engineer and/or his/her designated representative may continue to approve, in writing, additional future masonry coverage requirement transfers or exchanges for lots in the subdivision; and,

(ii) prior to the issuance of the final building permit for a subdivision to which the masonry coverage requirement applies, the masonry coverage requirement of subsection A above must be depicted on a layout of the subdivision plat of record with each lot labeled with the exterior wall brick masonry and a table showing the existing exterior wall brick masonry for each lot with a computation of the exterior wall brick masonry designations, which shall be approved by the City's City Council.

Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the city's city council for approval shall state in the notes on the plat that the masonry coverage requirement depicted on the plat is subject to change with the approval of the City Engineer and/or his/her designated representative and/or by replatting of the subdivision approved by the city's city council, as is made and provided for in this Chapter 17.43 of the City of Columbia, Illinois Zoning Code and section 15.71.020 of the City of Columbia, Illinois Building and Construction Code."

Amended by Ordinance No. 2853 passed & approved March 7, 2011 - Subsection C of Section 17.43.010 of Chapter 17.43 of Title 17 is changed and amended (OLD VERBIAGE)

C. General Requirements. Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the city for city council approval shall depict on the plat drawing and shall state in a note or chart on the plat which lots shall be restricted to a minimum of three (3) sides (profiles) exterior brick masonry walls, which lots shall be restricted to a minimum of a front façade wall (profile) exterior masonry brick requirement and which lots shall be unrestricted as to an exterior wall brick masonry requirement. For ease of reference, the following code (or abbreviations) may be depicted on the lots on the plat drawing and used on the chart with reference to the subject restrictions: (1) for three (3) sides brick – (B3), (2) for front façade brick - (BF) and (3) for unrestricted lots - (0).

Plat submittals which lack the number of building lots to fully satisfy the exterior wall masonry brick restriction percentages required by subsection A above, shall be required to favor the more restrictive over the less restrictive or unrestricted building lots exterior wall brick masonry requirement. So that, for example:

(A) if there are only three (3) building lots in a subdivision, two (2) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining one (1) building lot shall be subject to the front wall brick facade (BF) restriction;

(B) if there are only five (5) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction and the remaining two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction; and,

(C) if there are only six (6) building lots in a subdivision, three (3) of the building lots shall be subject to the three (3) sides brick wall (B3) restriction, two (2) of the building lots shall be subject to the front façade brick wall (BF) restriction and the remaining one (1) building lot will not be subject to a exterior wall brick masonry construction restriction.

The application of the exterior wall brick masonry requirement percentages required by subsection A above shall be determined by the number of lots in a subdivision and not by the square footage of the bulk area of a subdivision or by some other method of measurement. The subdivider shall be required to select the location of the restricted and the unrestricted lots, in accordance with the requirements of subsection A above, at the time of the subdivider's first subdivision plat submittal to the city (that is, at the time of preliminary plat submittal for other than minor subdivisions and at the time of final plat submittal for minor subdivisions).

The exterior wall brick masonry requirement restriction that attaches to each building lot in a subdivision shall be a minimum construction requirement and shall run with the land to which the restriction pertains. After final platting of a subdivision, a restricted lot may be exchanged for an unrestricted lot or less restricted lot in the subdivision as follows:

(1) The city engineer and/or his/her designated representative may approve, in writing, the transfer of a masonry coverage requirement from a restricted lot to an unrestricted lot or a less restricted lot provided the masonry coverage requirement of subsection A above for the subdivision shall continue to be maintained; except that:

(i) After building permits are issued for one-half (1/2) of the lots located within a subdivision to which the masonry coverage requirement applies, the next successive transfer or exchange of a masonry coverage requirement for a lot in the subdivision shall require a replatting of the subdivision before the City Engineer and/or his/her designated representative may continue to approve, in writing, additional future masonry coverage requirement transfers or exchanges for lots in the subdivision; and,

(ii) Prior to the issuance of the final building permit for a subdivision to which the masonry coverage requirement applies, all modifications from the masonry coverage requirement of subsection A above must be depicted on an amended final subdivision plat of record, which shall require a replatting of the subdivision to be approved by the city's city council.

(2) The replatting required by the preceding subparagraphs 1 and 2 in order to reflect the change in the masonry coverage requirement for the lots in the subdivision shall involve city council approval of an amended final subdivision plat for the subdivision by the city's city council, as in cases involving city council approval of a minor subdivision plat, and shall not require approval of a preliminary subdivision plat by the city council before city council approval of the amended final subdivision plat.

Each preliminary subdivision plat and final subdivision plat (including plats for subdivisions to be platted and developed in phases or additions) submitted to the city's city council for approval shall state in the notes on the plat that the masonry coverage requirement depicted on the plat is subject to change with the approval of the City Engineer and/or his/her designated representative and/or by replatting of the subdivision approved by the city's city council, as is made and provided for in this chapter 17.43 of the City of Columbia, Illinois Zoning Code and section 15.71.020 of the City of Columbia, Illinois Building and Construction Code.

(Ordinance No. 2853, Amended, 03/07/2011, Subsection C (General Requirements) of Section 17.43.010 (Masonry Coverage Requirement) of Chapter 17.43 (Masonry Coverage Requirement) of Title 17 (Zoning) of the Columbia, IL Municipal Code is hereby changed and amended.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Code to Columbia Building Codes.; Ordinance No. 2531, Added, 02/19/2007, Added Chapter 17.43 Masonry Coverage Requirement and put as 17.43.010.)

Chapter 17.44

OFF-STREET PARKING AND LOADING

Sections:

- 17.44.010** **General provisions.**
17.44.020 **Additional regulations--Parking.**
17.44.030 **Location of parking areas.**
17.44.040 **Schedule of off-street parking requirements.**
17.44.050 **Design and schedule of off-street loading and unloading space.**

Section 17.44.010 **General provisions.**

A. Special Exclusions. Properties having a completed parking lot and/or loading area on the property as of the 3rd day of May, 2004 are exempt from the change in the standards for construction of off-street parking and loading areas provided in this chapter of the City's Municipal Code, but shall not be exempt from the maintenance requirements of this chapter. Further, property located in an R-1 (One-Family Dwelling Zoned District) in the City shall be exempt from the construction standards provided in this chapter of the City's

Municipal Code for off-street parking and loading areas, but shall not be exempt from the maintenance requirements of this chapter. Except in an R-1 (One-Family Dwelling Zoned District), any addition to an existing parking lot and/or loading area will result in the requirement to comply with the off-street parking and loading construction and maintenance requirements of this chapter (with regard to the existing lot and/or loading area and the addition.)

B. Procedure. An application for a building permit for a new or enlarged building, structure, or use shall include therewith a plat plan, drawn to scale, and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this title.

C. Extent of Control. The off-street parking and loading requirements of this title shall apply as follows:

1. All buildings and structures erected and all land uses shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof, excepting subsection A of this section.

2. When a building or structure erected or enlarged prior to or after the effective date of the city's new zoning code shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and, further, when the decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of these standards thereto, off-street parking and loading facilities may be reduced accordingly; provided, that existing off-street parking or loading facilities shall be decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure as modified.

3. When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when the increase would result in a requirement for greater total off-street parking or loading spaces through application of the provisions of these standards thereto, off-street parking and loading facilities shall be increased so that the facilities would at least equal or exceed the off-street parking or loading requirements.

D. Existing Off-Street Parking and Loading Spaces. Accessory off-street parking and loading spaces in existence on the effective date of the standards of this zoning code shall not be reduced in number unless already exceeding the requirements of this chapter for equivalent new construction; in which event, the spaces shall not be reduced below the number required herein for such equivalent new construction.

E. Schedule of Requirements.

1. Tables for Required Off-Street Parking and Loading. Requirements governing the number and location of off-street parking, off-street loading facilities in relation to the use of property are established hereinafter in this title. The off-street parking and loading requirements for any use not specified in this title shall be the same as for a similar specified use, as determined below.

2. Floor Area. The term "floor area," as employed in this off-street parking and loading chapter, in the case of office, merchandising or service types of use, means the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.

"Floor area," for the purposes of this chapter, shall not include any area used for:

- a. Storage accessory to the principal use of a building;
- b. Incidental repairs;
- c. Processing or packaging of merchandise;
- d. Show window, or offices incidental to the management or maintenance of a store or building;
- e. Restrooms;
- f. Utilities;
- g. Dressing, fitting or alteration rooms. (Ord. 743 § 1 (part), 1989: prior

code § 40-10-3(A))

(17.44.010 (Ord. 2259), Amended, 05/03/2004, Amended Section A.; 17.44.010 (Ord. 2191), Amended, 07/07/2003, Section A amended.)

Section 17.44.020 Additional regulations--Parking.

A. Use of Off-Street Parking Facilities. Off-street parking facilities in any residential zoned district in the City shall be used solely for the parking of: (i) passenger automobiles and other vehicles which are not commercial, industrial or business vehicles, having a gross vehicle weight rating of not to exceed ten thousand five hundred (10,500) pounds as rated by their manufacturer, (including pick-up trucks, sport utility vehicles, and vans) and/or (ii) not to exceed one (1) commercial, business or industrial vehicle having a gross weight as rated by their manufacturer of not to exceed ten thousand five hundred (10,500) pounds. Notwithstanding anything contained in this paragraph of this subsection (A) of section 17.44.020 of the City's Municipal Code to the contrary, self-propelled vehicles designed or used as a tractor to pull one (1) or more semi-trailers shall not be allowed on off-street parking facilities in residential zoned districts except for reasonable periods of time necessary for loading or unloading for the use and benefit of the residential premises served.

B. Joint Parking Facilities.

1. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning districts in which separate off-street parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together is not less than the sum of the separate requirements for each use.

2. C-1 and C-2 Districts Only. In the C-1 neighborhood business district, and C-2 general business district, joint parking facilities shall not be more than one hundred (100) feet from the lot on which the main building is located.

In any other district, joint parking facilities shall not be more than three hundred (300) feet from the lot on which the main building is located.

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and execution by an attorney, and shall be filed with the application for a building permit.

C. Not more than fifty (50) percent of the parking spaces required for: (a) theaters, and places of amusement; and up to one hundred (100) percent of the parking spaces required for a church or school may be provided and used jointly by: (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form and execution by an attorney, and shall be filed with the application for a building permit.

D. Control of Off-Site Facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the office of the county recorder, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of such principal use.

E. Permitted Districts for Accessory Parking.

1. Accessory parking facilities provided elsewhere than on the business zoned lot of the principal use served, in accordance with the requirements of this section, may be located in any other business zoned district.

2. No parking facilities used for the parking or storage of commercial, business or industrial vehicles having a gross vehicle weight as rated by their manufacturer of over ten thousand five hundred (10,500) pounds shall be located in a residential zoned district in the City. Parking facilities used for the parking or storage of passenger automobiles or other vehicles which are not commercial, industrial or business vehicles, shall be allowed in a residential zoned district in the City. Not to exceed one (1) commercial, business or industrial vehicle having a gross vehicle weight rating as rated by their manufacturer of not to exceed ten thousand five hundred (10,500) pounds may be allowed to be parked there, as is allowed and provided for in Subsection "A" of Section 17.44.020 of the City's Municipal Code.

F. Design and Maintenance.

1. Parking Space--Description. A required off-street parking space shall be an area of not less than one hundred eighty (180) square feet nor less than ten feet wide by eighteen (18) feet long, being measured perpendicular to the sides of the parking space exclusive of access drives or aisles, ramps, columns or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity.

Aisles between vehicular parking spaces shall be not less than twelve (12) feet in width when serving automobiles parked at a forty-five (45) degree angle in one direction, nor less than twenty-four (24) feet in width when serving automobiles parked perpendicularly. Under any circumstances, parking areas shall have a minimum gross area of two hundred eighty (280) square feet per vehicle.

2. Measurement of Space. When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be interpreted as one parking space.

3. **AMENDED BY ORDINANCE NO. 2862 ON 4/18/2011 - NEW VERBIAGE:** Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. A driveway or curb cut in any residential zoning district shall not exceed thirty (30) feet in width. No driveway or curb cut in any non-residential zoned district shall exceed forty (40) feet in width. Driveways or curb cuts in any non-residential zoning district greater than twenty five (25) feet in width shall have supporting documentation in the form of anticipated turning movements and anticipated traffic counts to verify the need for additional driveway or curb cut width above the twenty five (25) feet or additional turn lanes.

3. ***AMENDED BY ORDINANCE NO. 2862 ON 4/18/2011 -***

OLD VERBIAGE: Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed twenty-five (25) feet in width.

4. Signs. Other than in the C-3 highway business district, no signs shall be displayed in any parking area except as may be necessary for the orderly use of the parking facilities. Signs are permitted, as provided for in the street graphics control ordinance, in the C-3 district parking area.

5. Striping. All parking spaces shall be properly marked by durable paint in stripes a minimum of four inches wide and extending the length of the parking space.

6. Required Setbacks. No parking spaces nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located. Further, any wall, fence or hedge developed around any parking area shall be subject to the front yard setback requirements of this code in the same manner as a building or structure.

7. C-2 District Only. Except in the C-2 general business district where parking spaces shall be set back three feet from any property line abutting a public right-of-way, and parking spaces when established on a zoning lot adjacent to a residential use shall be set back three feet from that established property line.

G. Surfacing and Maintenance.

Construction. All off-street parking and loading areas in the City shall be surfaced with Portland cement concrete or asphaltic concrete, constructed and installed in accordance with the Illinois Department of Transportation (IDOT) standards in effect at time of reference. Notwithstanding applicable IDOT standards in effect at time of reference, if asphaltic concrete surfacing is used, its sub-base shall be compacted CA-6 stone of a minimum of six (6) inches in thickness and the asphaltic concrete surfacing shall be a minimum of two (2) inches in thickness. Notwithstanding

applicable IDOT standards in effect at time of reference, if Portland cement concrete is used, then the concrete shall be a minimum thickness of six (6) inches of unreinforced concrete with minimum compressive strength of three thousand five hundred (3,500) pounds per square inch (PSI) and no aggregate sub-base shall be required. In determining the compacted base and paving, the owner/developer (or their Illinois licensed professional engineer, if a professional engineer construction plan is required) shall take into account the volume and type of motor vehicle traffic that will be utilizing the parking area or loading area and the weight bearing properties required for the contemplated usage of the parking area or loading area. Said standards for off-street parking and loading areas are the minimum standards the City may allow for off-street parking and loading areas in the City, except as otherwise stated in subsection A of section 17.44.010 of this chapter.

The owner/developer shall submit construction plans for the proposed parking lot and/or loading area construction, one (1) set each, to the City's Engineering Consultant and the City's Building Commissioner/Ordinance Administrator (which plans shall be suitably designed for the facility's intended use), as follows:

(1) For parking lots and/or loading areas to be resurfaced or reconstructed (but not enlarged) the construction plan submittal (which shall be dimensioned or scaled) shall not be required to be prepared by an Illinois licensed engineer and may be prepared by the owner/developer or the contractor performing the resurfacing or reconstruction, and at a minimum shall depict and describe the following: (A) materials to be used (which must comply with the above construction standards), (B) a cross-section depicting and describing the thickness of the material to be used, (C) the striping, (D) the surface flow direction, and, (E) existing improvements on the property and the proposed parking lot and/or loading area improvement. A stormwater management plan or stormwater management data shall not be required.

(2) For existing parking lots and/or loading areas sought to be enlarged and proposed new construction of parking lots and/or loading areas which will result in a total number of ten (10) or fewer parking and/or loading spaces (i.e., 3,000 square feet or less bulk area) except as otherwise herein stated the construction plan submittal (which shall be dimensioned or scaled) shall not be required to be prepared by an Illinois licensed engineer and may be prepared by the owner/developer or the contractor

performing the construction, resurfacing or reconstruction, and at a

minimum shall depict and describe the following: (A) materials to be used (which must comply with the above construction standards), (B) a cross-section depicting and describing the thickness of the material to be used, (C) the striping, (D) the surface water flow direction, (E) existing improvements on the property and the proposed parking lot and/or loading area improvement, and, (F) a stormwater management plan may be required by the City Engineering Consultant, as determined by him at the time of his construction plan review.

(3) Where existing parking lots and/or loading areas sought to be enlarged and for proposed new construction of parking lots and/or loading area which will result in a total number of more than ten (10) parking spaces and/or loading spaces, the construction plan shall be prepared by a duly Illinois licensed professional engineer and shall include a stormwater management plan.

Maintenance.

Off-street parking and loading areas in the City shall be maintained in a clean, dustless and orderly condition, free of surface defects.

Enforcement.

In the event off-street parking and/or loading areas in the City are not constructed and maintained as provided in this code, the City's Building Commissioner/Ordinance Administrator is hereby authorized to prohibit the use of the parking and/or loading area which is in violation of this code until the violation is cured by proper construction, maintenance, repair or replacement.

H. Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining properties.

I. Stormwater. Adequate stormwater drainage facilities shall be installed in order to insure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The municipal engineer shall approve all such facilities.

(Ord. 1715 § 1, 1999; Ord. 743 § 1 (part), 1989: prior code § 40-10-

3(B))

(Ordinance No. 2862, Amended, 04/18/2011, Subsection 3 of Subsection F of Section 17.44.020 changed - Off-Street Parking & Loading; 17.44.020, Amended, 05/03/2004, Amended Subsection G.; 17.44.020 (Ord. 2259), Amended, 05/03/2004, Amended Section G.; 17.44.020 (Ord. 2191), Amended, 07/07/2003, Item G amended.; 17.44.020 (Ord. 2069), Amended, 07/01/2002, Subsection A Amended.)

Section 17.44.030 Location of parking areas.

A. Extent of Control. Off-street automobile parking shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve.

1. For one and two-family dwellings: on the same lot with the building they are required to serve.

2. For three and four-family dwellings, row dwellings not over two and one-half stories in height: on the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under a single ownership or management shall be on a single lot or parcel of land.

3. For apartment houses containing four or more dwelling units: on the same lot or parcel not more than two hundred (200) feet from the nearest entrance to the main building they are required to serve, when allowed in the C-2 general business district. When on a separate lot or parcel of land, in a R-6 or R-7 district only, not more than three hundred (300) feet from the nearest entrance to the main building being served, provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.

4. For clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, and for other similar uses: the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.

5. For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over one thousand (1,000) feet from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district. (Ord. 743 § 1 (part), 1989: prior code § 40-10-3(C))

Section 17.44.040 Schedule of off-street parking requirements.

1. One-and two-family dwellings: two parking spaces for each family dwelling unit.

2. Three or more family dwellings: two parking spaces for each family dwelling unit.

3. Assisted living homes, convalescent homes, nursing homes and senior care homes: one parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking spaces required per each employee per maximum shift.

4. Bowling alleys, recreation centers, swimming pools, skating rinks, and other recreation and amusement facilities: one parking space for every five customers computed on the basis of maximum servicing capacity at any one time, plus one additional space for every two persons

regularly employed on the premises.

5. Call Center, One parking space per one hundred fifty (150) square feet of office space.
(Added 05/07/2012 per Ord. No. 2949.)

6. Club houses and permanent meeting places of veterans, business, fraternal, labor and similar organizations: One parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall, and dining room of such building, plus one additional space for every two persons regularly employed on the premises.

7. C-2 District Only. Bowling alleys, recreation centers, swimming pools, skating rinks and other recreational and amusement facilities, club houses and permanent meeting places of veterans, business, civic, fraternal, labor and similar organizations. One parking space for every five people computed on the basis of maximum capacity as set by the fire marshal at any one time.

8. Dormitories, fraternity houses and sorority houses: one parking space for every two beds occupied at maximum capacity. This requirement shall be in addition to the parking space requirements for educational establishments set forth in this title.

9. Funeral homes and undertaking establishments: parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two persons regularly employed on the premises and one space for every six seats in the auditorium or chapel of such establishment.

10. C-2 District Only. Funeral homes and undertaking establishments: parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two persons regularly employed on the premises and one space for every one hundred (100) square feet in the auditorium or chapel of such establishment.

11. Hospitals: one parking space for each bed intended for patients, excluding bassinets.

12. House trailers (mobilehomes): two parking spaces for each trailer used for dwelling or sleeping purposes.

13. Indoor retail businesses: parking or storage space for all vehicles used directly in the conduct of such business, plus four parking spaces for the first one thousand (1,000) square feet of total area and one additional space for every additional one hundred fifty (150) square feet of floor area and one space for every two full-time employees.

14. Industrial plants and facilities: parking or storage space for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premises at maximum employment on a single shift.

15. Libraries, institutes, museums, post offices, civic centers, government offices and similar establishments: parking or storage space for all vehicles used directly in the operation of such establishment, plus four parking spaces for the first one thousand (1,000) square feet of total floor area and one additional space for every additional one hundred and fifty (150) square feet of floor area. (Added "Institutes" on 05/07/2012 per Ord. No. 2949.)

16. Medical and dental clinics: three parking spaces for each doctor, plus one additional space for every two regular employees.

17. Motels and hotels: one parking space for each sleeping room offered for tourist accommodation, plus one additional space for every two persons regularly employed on the premises.

18. Offices: One parking space for every two hundred (200) square feet of office space.

19. Outdoor retail businesses: parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person employed on the premises, based on maximum seasonal employment.

20. Public garages: indoor or outdoor parking or storage spaces for all vehicles used directly in the conduct of such business, plus two parking spaces for each person regularly employed on the premises.

21. Repair shops, plumbing shops, electrical shops, roofing shops and other service establishments: parking or storage space for all vehicles used directly in the conduct of the business, plus two parking spaces for each person regularly employed on the premises.

22. Restaurants and other eating and drinking establishments: one parking space for every one hundred (100) square feet of total floor area.

23. C-2 District Only. Restaurants and other eating and drinking establishments: two parking spaces or every two hundred fifty (250) square feet of total floor area.

24. Schools.

a. Junior high and elementary schools: one parking space for every six seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school, plus one additional space for each classroom.

b. Senior high schools: one parking space for every six seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school, plus three additional spaces for each classroom.

25. Self-service laundries: one parking space for every four washing machines.

26. Service stations: parking or storage space for all vehicles used directly in the conduct of the businesses, plus one parking space for each gas pump, three spaces for each grease rack or similar facility, and one space for every two persons employed on the premises at maximum employment on a single shift.

27. Theaters, auditoriums, churches, stadiums and other places of public assembly: one

parking space for every six seats available at maximum capacity.

28. Universities, colleges and similar institutions of higher learning; one parking space for every four students and one parking space for every classroom or office. (Added 05/07/2012 per Ord. No. 2949.)

29. Warehouses, freight terminals and trucking terminals: parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for each person regularly employed on the premises at maximum employment.

30. Wholesale businesses: parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person employed on the premises, based on maximum seasonal employment.

(Deleted below 05/07/2012 per Ord. No. 2949)

Universities, colleges, academies and similar institutions of higher learning: one parking space for every six seats occupied at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such institution, plus five additional spaces for each classroom.

(Ord. 743 § 1 (part), 1989: prior code § 40-10-3(D))

(Ordinance No. 2949, Repealed & Replaced, 05/07/2012, Section 17.44.040 - Schedule of Off-Street Parking Requirements - Added Call Center; Universities, Colleges, and Institutes; Deleted previous parking for Universities, Colleges, etc.; 17.44.040 , Amended, 01/16/2006, Amended #15, parking for Assisted living homes, convalescent homes, nursing homes and senior care homes.)

Section 17.44.050 Design and schedule of off-street loading and unloading space.

A. Design.

1. Loading Berth--Description. An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers, so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than ten feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned hereafter.

2. Location. No permitted or required loading berth shall be closer than fifty (50) feet to any property in a residential district, unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets. Loading berths open to the sky may be located in any required yards.

3. Measurement of Berth. When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one loading berth.

4. Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic

concrete or some comparable all-weather dustless material.

B. Every building or structure used for business, trade or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. At least the following off-street loading and unloading space requirements for specific uses shall be provided:

1. Retail businesses and service establishments: one off-street loading and unloading space at least twelve (12) feet by thirty-five (35) feet for every three thousand (3,000) square feet of total floor area.

2. Industrial plants: in accordance with the standards set forth in the standards for industrial development of this code.

3. Warehouses and wholesale storage facilities: one off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seven thousand five hundred (7,500) square feet of total floor area.

4. Freight terminals and trucking terminals: one off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area. (Ord. 743 § 1 (part), 1989: prior code § 40-10-3(E))

Chapter 17.46

HOME OCCUPATIONS

Sections:

17.46.010 Home occupations--Generally.

Section 17.46.010 Home occupations--Generally.

Residents of the city may conduct home occupations within the dwelling unit in the city in which they reside in accordance with the provisions of this chapter and not otherwise. Home occupations which are authorized by this chapter shall be limited to any occupation, profession or other business enterprise carried on for monetary gain as an accessory use in a dwelling unit by a member or members of the immediate family who reside in the dwelling unit, provided the business activity conducted within the dwelling unit meets the following criteria, and not otherwise:

- A. Any activity meeting (but not exceeding) the following criteria shall be a legally authorized home occupation which shall not require the issuance of a certificate of occupancy by the zoning
1. There are no persons, other than immediate members of the family residing in the dwelling unit, engaged therein;
 2. There are no signs on the premises identifying the home occupation;
 3. The occupation is wholly operated and contained within the dwelling unit;
 4. Not more than twenty-five (25) percent (one-quarter) of the total square footage of floor space contained in the dwelling unit shall be used, occupied and devoted to the home occupation uses and purposes;
 5. No materials or equipment used in the home occupation are stored outside the dwelling unit;

6. No more than two customers or clients may be on the premises at any one time and no more than five vehicle visits per day;
 7. Up to, but not to exceed, one (1) commercial, industrial or business vehicle (as those vehicles are defined in section 17.04.030 of the City's Zoning Code) having a gross vehicle weight rating as rated by their manufacturer of ten thousand five hundred (10,500) pounds or less used in connection with the home occupation may be parked on the premises;
 8. No mechanical or electronic equipment shall be used in the home occupation unless the equipment is incidental thereto and does not or will not create objectional noise, odors or electronic impulses, or otherwise create a nuisance discernible beyond the confines of the dwelling unit or the property on which the dwelling unit is located.
- B. Any home occupation activity which exceeds any of the criteria set forth under subsection A of this section, which meets (but shall not exceed) the following criteria, shall be an authorized home occupation activity which shall require, however, the issuance of a certificate of occupancy for the dwelling unit in which the activity is conducted:
1. No more than one person, other than members of the immediate family residing in the dwelling unit, may be engaged in the home occupation;
 2. Two parking spaces must be provided on premises as approved by the zoning administrator, and driveways may qualify in meeting this requirement;
 3. No mechanical or electronic equipment shall be used in the home occupation unless it is incidental to the home occupation and does not create objectionable noise, odors or electronic impulses, or otherwise create a nuisance discernible beyond the confines of the dwelling unit or the property on which the dwelling unit is

located;

4. There is no activity, construction or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in subdivision (5) below;
 5. There are no signs other than a name plate, to be not more than one square foot in surface area and wall mounted and not internally illuminated;
 6. The storage of materials or use of equipment in an accessory building on the premises on which the dwelling unit is located shall be limited to two hundred (200) square feet of floor space in the accessory building;
 7. No storage outside the dwelling unit is permitted, except in accordance with the preceding subdivision (6) above;
 8. The home occupation does not or will not constitute a violation of any nuisance code, ordinance, statute or other nuisance law;
 9. No more than two customers or clients may be on the premises at any one time;
 10. There shall be no exterior storage of vehicles on the premises on which the dwelling unit is located other than those owned by members of the immediate family residing on the premises;
 11. Up to, but not to exceed, one (1) commercial, industrial or business vehicle having a gross vehicle weight rating as rated by their manufacturer of ten thousand five hundred (10,500) pounds or less used in connection with the home occupation may be parked on the premises;
- C. Any commercial activity conducted within a dwelling unit which exceeds the criteria established under subsections A and B of this

section shall be regarded as a prohibited home occupation and shall not be permitted to be conducted within the corporate limits of the city. Furthermore, since it is the intent of this subsection to prohibit any activity as a home occupation which may use hazardous materials, any activity which the zoning administrator classifies as exterminator, lawn care (except lawn manicuring), dry cleaning or medical diagnostic laboratory shall be prohibited as a home occupation as herein defined.

D. Only one home occupation, as defined herein, is permitted per dwelling unit (or dwelling unit and accessory building).

E. Certificates of occupancy for home occupations issued prior to the effective date of this amendment not meeting the conditions of subsection B of this section, shall be considered legally nonconforming usages.

F. All persons who wish to establish a home occupation in the city must provide a signed letter to the city zoning administrator explaining in detail the operation of the proposed business along with a signed agreement acknowledging that they have read the home occupation code and do agree to conduct their home occupation in accordance with the terms and provisions thereof. Upon receipt of the applicant's letter, the zoning administrator shall determine what, if any, applications and permits shall be necessary in order to conduct the requested home occupation activity, and provide the applicant with the written approval or denial of their request.

G. A forty dollar (\$40.00) registration fee shall accompany the application for home occupation approval. Further, each person conducting a home occupation in the city shall pay annually a forty dollar (\$40.00) registration fee for the privilege of conducting their home occupation, which fee shall be due and payable on May 1st of each calendar year they conduct their home occupation. **The fee for the first year of operation shall be pro-rated on a monthly basis from the date of commencement of the home occupation through the next successive April 30th thereafter, with one-twelfth of the fee being payable for each intervening month or part thereof.**

(Ord. 1158 § 1, 1993: prior code § 40-10-7) (Fee Ord. 2147, Fee amended to \$30.75, 02/17/2003)

(Ordinance No. 2945, Amended, 04/16/2012, New fee ord. for fy 2012 2013.; 17.46.010, Amended, 09/22/2009; 2719, Amended, 04/20/2009; Ordinance No. 2719, Amended, 04/20/2009, New Fee Ordinance - Fee increased to \$36.00 per year.; Ord. 2550, Amended, 04/16/2007, New Fee Ord.; Ord. No. 2550, Amended, 04/16/2007, New Fee Ord.; Ord. 2352, Amended, 04/18/2005, Fee Increase to \$33.00.; 17.46.010 (Ord. 2249), Amended, 04/05/2004, Fee Increase to \$32.00.; 17.46.010 (Ord. 2147), Amended, 02/17/2003, Fee Ordinance - Fee increased to \$30.75 f/y.; 17.46.010 (Home Occupations - Generally) Ord. 2069, Amended, 07/01/2002; 17.46.010 (Ord. 2038), Amended, 04/01/2002, Item G - \$29.50 Home Occupation)

COMMUNITY UNIT PLANS

17.48.010 Community unit plan--Type A.
17.48.020 Community unit plan--Type B.
Section 17.48.010 Community unit plan--Type A.

B. If the plan commission approves the development plan, it shall then be approved by the governing body after public hearing and fifteen (15) days' notice, giving time and place and purpose in a _____ newspaper circulated in the municipality, and zoning certificates, building permits, and certificates of occupancy issued therefor, even though the use of land and the use and location of structures _____ do not conform to all of the regulations contained in other sections of this title. Such development plan shall not be approved except under the following conditions:

1. That under the development plan, the property adjacent to the area included in the plan is properly safeguarded;
2. That the plan is consistent with the intent and purpose of this title to promote public health, safety, morals and general welfare;
3. That the buildings shall be used only for residential purposes and the usual accessory uses, such as garages, storage space and community activities, including churches;
4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, shall not be less than the lot area per family of the zoning district in which the development is located;

5. That at least two hundred fifty (250) square feet of area per family unit be set aside and maintained for playground recreation area;

6. Assurance shall be required from the developer that the project will be used for the specified purposes and the municipality shall require a trust indenture restricting the area to such uses.

(Prior code § 40-10-4)

Section 17.48.020 Community unit plan--Type B.

A. The owner or owners of any tract of land in any district zoned for residential purposes comprising an area of not less than forty (40) acres shall submit to the governing body a plan for the use and development of all such tract of land for multiple-use purposes as specified hereinafter. Such development plan shall be referred to the plan commission for study and report and for public hearing.

B. If the plan commission approves the development plan, it shall then be approved by the governing body after public hearing and fifteen (15) days' notice, giving time and place and purpose in a newspaper circulated in the municipality, and zoning certificates, building permits, and certificates of occupancy issued therefor, even though the use of land and the use and location of structures do not conform to all of the regulations contained in other sections of this title. Such development plan shall not be approved, except under the following conditions:

1. That under the development plan, the property adjacent to the area included in the plan is properly safeguarded;

2. That the plan is consistent with the intent and purpose of this title to promote public health, safety, morals and general welfare;

3. That such development shall consist of one-family residences, two-family residences, and/or multiple-family residences, and the usual accessory

uses such as garages and storage space. Also community buildings may be permitted, which may be used for recreation, meetings, or community dining space when not operated for profit. Also, certain necessary food, apparel, and convenience commercial shops may be permitted by the governing body, when operated for the benefit of the community unit exclusively;

4. That the minimum average lot area per family contained in the site, exclusive of the area occupied by streets, shall conform to seven thousand five hundred (7,500) square feet for single-family residences, and the minimum average lot sizes as prescribed in Chapter 17.24 for multiple-family residences;

5. That at least two hundred fifty (250) square feet per family unit be set aside and maintained for playground recreation areas;

6. That assurance shall be required from the developer that the project will be used for the specified purposes, and the governing body shall require a trust indenture restricting the area to such uses.

(Prior code § 40-10-5)

Chapter 17.50

ANNEXED PROPERTY

Sections:

17.50.010 Annexation of property to the city.

Section 17.50.010 Annexation of property to the city.

Upon the receipt of an application or petition for annexation of real estate to the city, the city clerk shall refer same to the plan commission for investigation: (i) as to the manner in which the proposed location and character of the property sought to be annexed to the city will effect the comprehensive community plan; (ii) for the plan commission's recommended zoning classification for the land upon annexation; and (iii) preannexation recommendations of the plan commission to be incorporated in a preannexation agreement between the property owner(s) and the city, if any.

The plan commission shall report the results of its study in writing to the city council within sixty (60) days following receipt of the petition or application for annexation. If no such report has been filed with the city council within this time period, the city council may proceed to process the application or petition for annexation.

Further, applicants seeking annexation to the city shall pay for or reimburse the city for all costs incurred by the city for survey work, land title work, legal fees and engineering fees incurred in connection with the proposed annexation and all other out-of-pocket expenses incurred by the city in connection with the proposed annexation (including mailing of notices to necessary parties, etc.) whether or not the subject property is annexed. (Ord. 1358 § 1, 1995; Ord. 637 § 2, 1987; prior code § 40-10-6)

Chapter 17.51

KARST TOPOGRAPHY REGULATIONS

Sections:

- 17.51.010** **General purpose.**
- 17.51.020** **Restrictions against placing substances and objects in sinkholes.**
- 17.51.030** **Regulations against altering sinkholes.**
- 17.51.040** **Limitations on development in sinkholes.**
- 17.51.050** **Limitations on surface water drainage affecting sinkholes.**
- 17.51.060** **Reporting sinkholes.**
- 17.51.070** **Enforcement.**
- 17.51.080** **Penalty.**

Section 17.51.010 General purpose.

The purpose of enacting this chapter is to reduce the frequency of structural damage in private improvements by sinkhole collapse or subsidence and to protect, preserve and enhance sensitive and valuable potable ground water resource areas of karst topography, thus protecting the public health, safety and welfare and ensuring orderly development within the city. (Ord. 1872 § 2 (part), 2000)

Section 17.51.020 Restrictions against placing substances and objects in sinkholes.

A. No person shall place or cause to be placed any substance or objects, other than those approved by the zoning administrator, in any sinkhole. This specifically precludes any trash, garbage, or refuse material. If an accidental spill of a toxic, petroleum, or hazardous material occurs, it shall be reported to the Illinois Emergency Management Agency (IEMA) immediately.

B. Any property that has a sinkhole present that has been used as a site for dumping trash, garbage, or refuse will be prohibited from obtaining building permits, zoning change requests or land subdivision approvals until the sinkhole has been cleaned out and approved by the zoning administrator. (Ord. 1872 § 2 (part), 2000)

Section 17.51.030 Regulations against altering sinkholes.

The filling, grading or excavation of sinkholes is prohibited unless an erosion control site plan is approved by the city engineer. The erosion control site plan is to be submitted to the county soil and water conservation district (SWCD) for the county in which the sinkhole is located. The SWCD will review the submitted plan and make recommendations to the city engineer. The city engineer will either approve or disapprove the plan and if disapproved, will state in writing the reasons for disapproval and what is required in order to obtain plan approval. (Ord. 1872 § 2 (part), 2000)

Section 17.51.040 Limitations on development in sinkholes.

No building construction will be permitted in a sinkhole unless:

- A. A site plan is approved by the city engineer. The site plan is to be submitted to the

county soil and water conservation district (SWCD) for the county in which the sinkhole is located for review. The SWCD will then make recommendations to the city engineer. The city engineer will either approve or disapprove the plan; and, if disapproved, will state in writing the reasons for disapproval and what is required in order to obtain plan approval.

B. If after review of the site plan, the city engineer determines that more detailed information is needed, a sinkhole evaluation may be required. A sinkhole evaluation which addresses geologic, engineering, and environmental factors for the proposed development is to be performed by a professional with experience and expertise in karst topography (which may include a consulting engineer and/or a consulting hydrogeologist to make recommendations based upon field studies and evaluations of the specific sinkhole system, if required by the city engineer). The evaluation shall, among other things, determine the proposed development's effect on ground water and the effect on surrounding property. After review of this evaluation and with the consultation of SWCD, the city engineer will either approve or disapprove the site plan as submitted. If disapproved, the city engineer will indicate in writing the reasons for disapproval and what, if anything, would be required in order to obtain site plan approval. (Ord. 1872 § 2 (part), 2000)

Section 17.51.050 Limitations on surface water drainage affecting sinkholes.

A. Existing Stormwater Storage. Existing sinkhole stormwater storage volume will be maintained and the volume of stormwater storage provided to meet the requirements of this chapter of the city's municipal code shall be in addition to existing stormwater storage at the sinkhole and sinkhole area.

B. Stormwater Drainage into Sinkholes. Sinkholes shall be protected from damaging modifications and adverse changes in stormwater runoff quantity and quality associated with land developments. In addition to the other requirements of this code, the following requirements shall be met for all development whose drainage flows into a sinkhole:

1. Stormwater Detention in Sinkholes. Existing stormwater storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modification will maintain or improve its habitat and ability to perform beneficial functions. Existing storage and release rate characteristics of sinkhole storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this section of this chapter of the city's municipal code shall be in addition to that existing storage.

2. Sediment Control. The existing sinkhole storage areas shall be protected during construction and shall not be filled or sediment allowed to deposit therein.

3. Alteration of Drainage Patterns. Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to a sinkhole.

4. Detention/Sedimentation. If a detention/ sedimentation basin is required for site development, it shall be designed to capture the critical storm event and hold it for a minimum of twenty-four (24) hours. This basin shall be maintained throughout the construction process.

5. Vegetated Buffer Strip. A buffer strip of at least twenty-five (25) feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of a sinkhole.

6. Loessal Soils. Care should be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.

7. Sinkholes in Karst Areas. Sinkholes in karst areas should be considered as receiving waterways and all predetention and erosion requirements shall apply. The filling, grading, and excavating of sinkholes is prohibited unless an erosion control site plan is approved by the city engineer in accordance with Section 17.51.030 of this chapter and any development in the sinkhole area is in

compliance with Section 17.51.040 of this chapter. (Ord. 1872 § 2 (part), 2000)

Section 17.51.060 Reporting sinkholes.

Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the county soil and water conservation district for the county in which the sinkhole is located and the city's zoning administrator. (Ord. 1872 § 2 (part), 2000)

Section 17.51.070 Enforcement.

The city engineer, the city zoning administrator, and agents or officers and employees of the city designated by them, or any of them, shall have authority to enter upon privately owned land for the purpose of performing the assigned duties and responsibilities of the zoning administrator and city engineer under this chapter and may take or cause to be made such examinations, surveys or sampling as they deem necessary.

A. The city may require a bond with surety and conditions to secure compliance with this chapter prior to issuing building permits, granting zoning change requests or approving subdivision plats for properties involving sinkholes. The particular amount and the conditions of the bond will be consistent with the purposes of this chapter. In the event of a breach of any condition of such bond, the city may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution. In lieu of a performance bond, the city may accept a letter of credit or cash escrow with conditions sufficient to secure compliance with the conditions set forth in this ordinance.

B. The zoning administrator shall have the authority to enforce this chapter and address violations or threatened violations hereof by issuance of violation notices, cease and desist orders and by filing civil and/or criminal actions on behalf of the city in a court of competent jurisdiction. All costs, fees and expenses incurred in connection with such actions may be recovered as damages against the violator.

C. Following thirty (30) days after mailing notice of violation to a violator, if offending substances and/or objects have not been removed from a sinkhole and/or the entry of pollutants into said surface water through the sinkhole have not been eliminated, the city (by and through its zoning administrator) may remove or employ a contractor or contractors to remove the offending substances and/or objects and/or to take corrective and protective action the city deems necessary to minimize, and if possible eliminate, the entry of pollutants into subsurface water through the sinkhole. In case of emergency, to avoid contamination of ground water endangering health and safety of the public, only such notice as the zoning administrator determines the circumstances allow shall be required and the city may act to cure immediately. The city may bill the violator for the reasonable costs of such action. Failure of the violator to pay the bill could result in the city filing an action in a court of competent jurisdiction to collect the bill. Further, the failure of the violator to pay the bill may result in the city having a lien against the property where the violation occurred to secure payment of the bill, by the city filing a notice of lien in the office of the country recorder of the county where the property is located. Such lien may be foreclosed as in cases involving the foreclosure of real estate mortgages or mechanic's liens under Illinois law.

D. When the zoning administrator determines that a building or other structure has been constructed in violation of this chapter, the violator shall be required to remove the structure at the discretion of the city council.

E. When removal of vegetative cover, excavation, or fill has taken place in violation of this chapter, the violator shall be required to restore the effected land to its original contours and to restore

vegetation, as far as practicable. (Ord. 1872 § 2 (part), 2000)

Section 17.51.080 Penalty.

Notwithstanding any other penalty the law may allow and provide, including injunctive relief or criminal prosecution, any person violating any provision of this chapter shall, upon conviction, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each violation, and a separate violation shall be deemed to have occurred for each day a violation exists or continues. (Ord. 1872 § 2 (part), 2000)

Chapter 17.52**NONCONFORMING BUILDINGS AND USES****Sections:****17.52.010 General provisions.****17.52.020 Disaster relief buildings and structures****Section 17.52.010 General provisions.**

A. The lawful use of land for storage purposes, except for agriculture uses or where such use is an adjunct of any structure, which does not conform to the provisions of this title, shall be discontinued within one year from the date of the approval of this zoning code.

B. The lawful use of a building or structure existing at the time of the effective date of this zoning code may be continued, although such use does not conform to the provisions of this title. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever such nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

C. Whenever the lawful use of a building becomes nonconforming through a change in zoning requirements or district boundaries, such use may be continued and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification. Whenever such nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

D. The lawful use of land as a trailer court which does not conform to the provisions of this title shall not be extended beyond the area actually so used at the date of approval of this zoning code and no new parking spaces or berths for additional trailers shall be added thereto.

E. Whenever a nonconforming use of a nonagricultural building or structure, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or for a continuous period of eighteen (18) months if the building was originally designed and constructed for a residential use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

F. Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment.

G. No existing non-agricultural building or structure devoted to a use not permitted in the district in which such building or premises is located, except when required to do so by law, shall not be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or structure is located; provided, however, any building containing a residential nonconforming use may be altered in any way to improve livability, but no structural alteration shall be made which would increase the number of dwelling units therein or the bulk of the building. Any existing building or structure devoted to a use permitted in the district in which such building or structure is situated, but failing to comply with the yard or building setback line requirements of this title, may be enlarged, extended,

reconstructed or structurally altered in any manner which does not further encroach upon the required open yard space or building setback line requirements which are not complied with.

H. A single-family residence located upon a lot created prior to the enactment of this Zoning Code or prior to the enactment of an amendment of this Zoning Code, may continue to be used as a single-family residence and may be reconstructed, enlarged, extended, or structurally altered notwithstanding the lot on which the residence is located does not comply with the minimum lot side requirement of the Zoning Code at the time of reference and said residential building may be reconstructed, enlarged, extended or structurally altered in any manner which does not cause an encroachment that did not theretofore exist or cause a further encroachment upon the required open yard space or building setback line requirements which are not complied with. If such residential building is partially or totally destroyed by fire, explosion, tornado, earthquake or other casualty or act of God, it may be reconstructed, enlarged, extended or structurally altered in any manner which does not create an encroachment or create a further encroachment of an existing encroachment upon the required open yard space or building setback line requirements which are not complied with.

I. Any nonagricultural building or structure containing a nonconforming use, other than a one-family dwelling use, which is damaged by explosion, fire, flood, wind or other act of God to the extent of fifty (50) percent or more of its fair market value immediately prior to damage, shall not be repaired or reconstructed except in conformity with the provisions of this title. In the event that the building commissioner's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal the decision of the building commissioner to the city's zoning board of appeals.

J. No nonagricultural building or structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless substantial construction is underway at the time of the enactment or subsequent amendment of this title and is being diligently prosecuted so that such building or structure will be completed within eighteen (18) months from the time of the enactment or subsequent amendment of this zoning code. All outstanding building permits for construction which do not meet these requirements shall be rendered null and void by the enactment or subsequent amendment of this zoning code.

K. No junk or automobile wrecking yard not within an S-3 flood plain and drainage way district shall be operated or maintained for more than thirty-six (36) months after the effective date of this zoning code, or after a zoning change to a use district within which such use is not permitted, except that if within an A-1 agriculture district, the board of appeals may permit for a specified time, the continued use of an area containing junk or automobile wrecking yard; provided, that an eight-foot high solid fence or wall, or a ten-foot wide planting strip of trees and shrubs to provide a dense screen at maturity enclose such area.

L. Any unimproved lot on which no building or structure was erected prior to the enactment or an amendment of this ordinance, and which does not meet the minimum size and/or dimension requirements of the zoning district in which it is located shall be considered a non-conforming lot of record and may be conveyed or sold, the same as if it were a conforming lot, but no building or structure shall be constructed or erected thereon unless the owner first obtains a variance from the City Council to allow for the same. Any lot on which a building or structure was erected prior to the enactment or an amendment of this ordinance, and which does not meet the minimum size and/or

dimension requirements of the zoning district in which it is located shall be considered a legal non-conforming lot of record and may be used, conveyed or sold the same as if it were a conforming lot.

(Ord. 2343, Amended, 04/04/2005)

Section 17.52.020 Disaster relief buildings and structures

In the event of a civil or natural disaster, casualty or catastrophe creating an emergency need, as determined by the Mayor, for the placement and use of buildings and/or other structures on property in the City which buildings or structures do not comply with the provisions of the City's Zoning Code, the Mayor may issue an executive order temporarily relieving the property owner of the obligation of compliance with the applicable zoning ordinance regulations and thereby allowing the placement and use of buildings and/or other structures on property in the City that are not in compliance with the provisions of the City's Zoning Ordinance. The executive order shall be in writing; shall describe the nature of the disaster requiring the issuance of the order; shall describe the nonconforming buildings and/or other structures permitted to be temporarily placed and used on property in the City in noncompliance with the City's Zoning Ordinance and shall state the term for which the noncompliance shall be allowed. Such executive order shall remain and be in full force and effect until canceled by the Mayor; except that the time duration of the executive order shall not be in excess of one (1) year unless extended beyond that time by the City Council. By vote of a majority of the City Council (Mayor and City Aldermen) holding office at the time of reference, the nonconforming building and/or other structures placement and use may be extended by executive order of the Mayor for up to not to exceed an additional one (1) year period.

(17.52.020 (Ord. 2269), Added, 06/07/2004, Added disaster relief buildings and structures.)

Chapter 17.54**BUSINESS PARK ZONING CODE****Sections:**

17.54.010	Purpose and intent of business park (BP) districts.
17.54.020	Business park-1 (BP-1) zoning district.
17.54.030	Business park-2 (BP-2) zoning district - Permitted uses and uses allowed only by special use permit.
17.54.040	Parking and loading requirements.
17.54.050	Decreased parking demand.
17.54.060	Increased parking demand.
17.54.070	Floor area defined.
17.54.080	Ingress and egress.
17.54.090	Location of parking or loading space.
17.54.100	Design and maintenance standards for parking and loading facilities.
17.54.110	Size of parking spaces.
17.54.120	Parking surface--Drainage and maintenance.
17.54.130	Parking spaces--Markings.
17.54.140	Parking and loading areas-- Lighting.
17.54.150	Parking and loading areas-- Screening and landscaping.
17.54.160	Number of entrances and exits to parking lots.
17.54.170	Parking direction and regulation signs.
17.54.180	Parking lot maintenance.
17.54.190	Schedule of required parking spaces.
17.54.200	Off-street loading requirements.
17.54.210	Environmental performance standards.
17.54.220	Site plan review requirements.
17.54.230	Signs.
17.54.240	Scope of sign provisions.
17.54.250	Permitted signs.
17.54.260	Prohibited signs.
17.54.270	Sign lighting.
17.54.280	Preemption.
17.54.290	Street standards.

Section 17.54.010 Purpose and intent of business park (BP) districts.

The business park zoning districts (BP-1 and BP-2) provide for business and light industrial uses in two categories. The BP-1 district is intended to accommodate a broad range of office uses while the BP-2 district is intended to accommodate a variety of office, light manufacturing, warehousing and related activities at a scale and intensity of use that is compatible with the high quality new development desired in this strategically important sector of the city, including territory near Interstate 255. For each district, a list of proposed permitted uses and development standards is outlined in this chapter. (Ord. 1743 § 1 (part), 1999)

Section 17.54.020 Business park-1 (BP-1) zoning district.

Because of its excellent access and high visibility, this area is intended for relatively low-intensity, high quality uses which can justify the amenities and high level of performance standards governing development in the BP-1 zoning district.

A. Permitted Uses.

1. Accounting;
2. Advertising and related services;
3. Agent and managers for artists, athletes, entertainers, and other public figures;
4. Ambulatory health care services;
5. Architecture, engineering, and related services;
6. Broadcasting and telecommunications--2 exclusions: (no towers, no monopoles);
7. Business support services;
8. Child day care services;
9. Computer systems design and related services;
10. Credit card issuing;
11. Credit unions;
12. Educational services;
13. Employment services;
14. Financial transactions processing, reserve, and clearinghouse activities;
15. Fitness and recreational sports centers;
16. Full-service restaurants;
17. Funds, trusts, and other financial vehicles;
18. Golf and country clubs;
19. Grant making, religious, professional, civic groups, and similar organizations;
20. Hotels and motels, bed and breakfast (no casinos allowed);
21. Independent artists, writers, and performers;

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- 22. Information services and data processing services;
- 23. Insurance carriers and related activities;
- 24. International trade financing;
- 25. Legal services;
- 26. Management of companies and enterprises;
- 27. Management, scientific, and technical consulting services;
- 28. Monetary authorities-central bank;
- 29. Mortgage and Non-mortgage loan brokers;
- 30. Motion picture and video distribution;
- 31. Motion picture and video production;
- 32. Office administrative services;
- 33. Other professional, scientific, and technical services;
- 34. Post-production services and other motion picture and video; industries;
- 35. Real estate credit;
- 36. Real estate offices;
- 37. Sales financing;
- 38. Savings institutions;
- 39. Scientific research and development services;
- 40. Secondary market financing;
- 41. Securities, commodity contracts, and other financial investments and related activities;
- 42. Software publishers;
- 43. Sound recording industries;
- 44. Specialized design services;
- 45. Travel arrangement and reservation services;

B. Other Development Standards.

1. Maximum floor area ratio (F.A.R.): 0.35.
2. Minimum lot size: one acre.
3. Maximum structure height: four stories of fifty (50) feet.
4. Maximum site coverage: sixty (60) percent.

5. Yard and Setback Requirements. No building or structure shall be located closer than thirty (30) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, the structure or building shall be set back a minimum of fifty (50) feet from the right-of-way. In every instance, the first ten feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks and with landscaping, including but not limited to, deciduous shade street trees as required in paragraph 11 of this subsection. The minimum side and rear yards shall be twenty-five (25) feet.

6. Outdoor storage of equipment or materials is not allowed.

7. Screening of Rooftop Mechanical Units Required. Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by enclosing the mechanical equipment in a mechanical penthouse.

8. Any overhead doors, loading areas or loading docks shall be located on the sides or rear of the building. For lots contiguous to I-255 or Route 3 rights-of-way, special consideration must be given to the location and screening of overhead doors, loading areas and loading docks. Uses on these lots will often have high visibility from the major highways as well as from the internal roads upon which they front. Therefore, the building design, orientation and landscaping shall be coordinated to adequately screen loading areas from both visual perspectives. This shall be accomplished by extending the exterior walls and roof of the building beyond the loading dock itself, by screening the loading area with evergreen trees and/or with opaque fencing compatible with the building's exterior materials, and by careful orientation of the building to minimize the visibility of loading areas. The site plan submitted for all lots contiguous to I-255 or Route 3 shall indicate how these requirements shall be met and must be reviewed and approved by the planning commission as a special part of the requirements of Section 17.54.250.

9. General environmental performance standards related to noise, vibration, etc., shall be met in accordance with Section 17.54.240.

10. Parking Requirements. Off-street parking and loading shall be provided in accordance with Sections 17.54.070 through 17.54.230.

OLD (ITEM 11 AMENDED BY ORDINANCE NO. 2821 PASSED & APPROVED

11/15/2010

11. All exterior walls of a building in a (BP-1) Zoned District shall be constructed of one or more of the following materials: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; or, (g) stucco. Exterior finished materials other than those listed are permitted provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference, and, (ii) the proposed materials are reviewed and approved by the City Council (after the City Council has received the recommendation of the City's Building Commissioner and/or Architectural Review Committee), but shall not include any of the following materials: (a) metal siding (except architectural metal); or, (b) cement blocks.

NEW 17.54.020(B11) (BUSINESS PARK-1 (BP-1) ZONING DISTRICT IS CHANGED AND AMENDED TO READ AS FOLLOWS PER ORDINANCE NO. 2821
PASSED & APPROVED 11/15/2010:

11. All exterior walls of a building in a (BP-1) Zoned District shall be constructed of one or more of the following materials:
(a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; or (g) stucco. Exterior finished materials other than those listed are permitted provided: (i) the proposed materials are authorized and approved by the Columbia Building Codes in effect at time of reference, and (ii) the proposed materials are reviewed and approved by the City Council (after the City Council has received the recommendation of the City's Building Commissioner and Architectural Review Committee), but shall not include any of the following materials: (a) metal siding (except architectural metal); or, (b) cement blocks.

12. Quality landscaping is required in the BP-1 district. This shall include as a minimum the provision of deciduous, hardwood street trees along the front of the site. Such street trees shall be evenly spaced, where possible, and there shall be one tree for each forty (40) linear feet of frontage on the street. Such street trees shall be located on the subject property, parallel to the road right-of-way. For all surface parking areas, a minimum of ten square feet of landscaped area shall be provided within or adjacent to the parking lot for each parking space to reduce the apparent size of parking areas, to reduce glare and to provide shade. Each individual landscaped area shall be at least fifty (50) square feet in area, at least five feet in width and shall include at least one deciduous shade tree. Street trees shall have a minimum diameter of two and one-half inches measured one foot above ground level, and shade trees shall have a minimum diameter of one and one-half inches measured one foot above ground level. Street trees shall have a minimum clear trunk height, when planted, of five feet. Shade trees shall have a clear trunk height, when planted, of sufficient height so as not to interfere with any traffic sight distance lines.

The use of earth sculpting or berms shall be encouraged, provided these are designed in an area of enough size so as to avoid erosion, drainage or maintenance problems.

Interior planting bed areas, which are used for the planting of trees, or which are used for landscaping treatment generally, may be treated with either grass and/or other types of ground cover or open spaced pavers on a sand and gravel base located beneath and surrounding trees and shrubs.

All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping by utilizing a sprinkler system, hose bibs and/or such other method of providing water.

All landscaped areas in parking areas or adjacent to parking or loading areas, or that can be encroached upon by a motor vehicle, shall be provided with an adequate, permanent curb as approved by the city engineer to restrict the destruction of the landscaped areas by vehicles. Adequate scuppers and/or weep holes shall be provided through the curbing to permit drainage.

13. Site Plan Required. All applications for development in the BP-1 district shall include a site plan to be submitted to the zoning enforcement officer for review and approval. Submission requirements are outlined in Section 17.54.250. Special review (as outlined in subsection (C)(7) of this section) shall be required for uses on lots contiguous to I-255 and Route 3. (Ord. 1743 § 1 (part), 1999)

(Ordinance No. 2821, Amended, 11/15/2010, Amended Zoning 17.54.020(B11) (Business Park-1 (BP-1) Zoning District); Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Codes to Columbia Building Codes.; 17.54.020 (Ord. 2192), Amended, 07/07/2003; 17.54.020 (Ord. 2175), Amended, 05/19/2003; 17.54.020 (Ord. 2154), Amended, 03/17/2003, Added Screening of Rooftop Mechanical Units Required.; 17.54.020 (Ord. 2133), Amended, 01/20/2003)

Section 17.54.030 Business park-2 (BP-2) zoning district - Permitted uses and uses allowed only by special use permit.

The uses in the BP-2 zoning district are intended to be second-tier business park developments such as office/warehouse facilities, distribution centers and light industrial uses which do not create undesirable impacts.

A-1. Permitted uses.

1. Apparel manufacturing (cut and sew only);
2. Architecture, engineering, and related services;
3. Bakeries and pasta manufacturing;
4. Beverage and tobacco product manufacturing and distribution;
5. Bottling and distribution of beverages;
6. Broadcasting and telecommunications--2 exclusions: no towers, no monopoles;
7. Business support services;
8. Call Center
9. Child day care services;
10. College or University
11. Computer and electronic product manufacturing;
12. Computer systems design and related services;
13. Credit card issuing;
14. Credit unions;
15. Educational services;
16. Electrical equipment, appliance, and component manufacturing;
17. Employment services;

18. Entertainment Venue (Indoor);
19. Fabricated metal product manufacturing;
20. Financial transactions processing, reserve, and clearinghouse activities;
21. Fitness and recreational sports centers;
22. Furniture and related product manufacturing;
23. Golf and country clubs;
24. Hotels, and motels, (no casinos allowed);
25. Information services and data processing services;
26. Institute (Added 05/07/2012 per Ordinance No. 2949)
27. Insurance carriers and related activities;
28. International trade financing;
29. Leather goods (cut and sew only);
30. Management, scientific, and technical consulting services;
31. Mobile Vending Business Park;
32. Monetary authorities-central bank;
33. Mortgage and non-mortgage loan brokers;
34. Motion picture and video distribution;
35. Motion picture and video production and post-production services;
36. Office administrative services;
37. Printing and related support activities;
38. Professional, scientific, and technical services;
39. Real estate credit;
40. Real estate offices;
41. Sales financing;
42. Savings institutions;
43. Scientific research and development services;
44. Secondary market financing;
45. Software publishers;
46. Sound recording industries;
47. Wholesale trade (outside storage by special use permit only);
48. Construction:
 - a. Light construction;
 - b. Specialty construction;
 - c. Concrete and asphalt contractors, including outside storage of machinery and equipment (does not include cement concrete or asphaltic concrete batch plants);
 - d. Special trade contractors such as plumbing, painting, electrical, masonry, drywall, insulation, tile, carpentry, flooring, roofing, siding, sheet metal and well drilling;
 - e. Glass and glazing contractors;
 - f. Building equipment and other machinery installation contractors.

A-2. Uses permitted only by a special use permit.

The following uses shall be permitted in a BP-2 (Business Park-2 Zoned District) in the City by Special Use Permit only in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Automobile Auction Business - retail and wholesale;
2. Boat and trailer storage (including outside storage);
3. Churches (*Added per Ordinance No. 2899 (09/19/2011)*)
4. Manufacturing;

5. Mini storage unit buildings;
6. Recreational vehicle storage;
7. RV park (short term);
8. Warehousing and distribution, wholesale merchandise brokerage (including wholesale storage businesses).

B. Other Development Standards.

1. Maximum floor area ratio (F.A.R.): 0.40.
2. Minimum lot size: twenty thousand (20,000) square feet.
3. Maximum structure height: four stories or fifty (50) feet.
4. Maximum site coverage: seventy (70) percent.
5. Yard and Setback Requirements. No building or structure shall be located closer than thirty (30) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, the structure or building shall be set back a minimum of fifty (50) feet from the right-of-way. In every instance, the first ten feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks and landscaping, including but not limited to, deciduous street trees as required by paragraph 11 of this subsection. The minimum side and rear yards shall be twenty-five (25) feet.
6. Outdoor storage of equipment or materials must be screened by an opaque, eight-foot high fencing on the sides and rear of the lot. Any storage areas visible from the front of the road must include landscaped screening composed of evergreen trees staggered at twenty-five (25) foot on-center in addition to the fencing.
7. Screening of Rooftop Mechanical Units Required. Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by enclosing the mechanical equipment in a mechanical penthouse.
8. Any overhead doors, loading areas or loading docks shall be located on the sides or rear of the building.
9. General environmental performance standards related to noise, vibration, etc., shall be met in accordance with Section 17.54.240.
10. Parking Requirements. Off-street parking and loading shall be provided in accordance with Sections 17.54.070 through 17.54.230.
11. The exterior walls of a building that is visible from any public right-of-way shall be constructed of one or more of the following materials: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; (g) stucco; (h) architectural cement block; or (i) tilt-up concrete. All other exterior walls not visible from a public right-of-way shall be constructed of one or more of the

following materials: (a) the materials allowed for the exterior walls of a building that is visible from a public right-of-way and/or (b) painted metal siding. Exterior building materials other than those listed are permitted, but only provided: (i) the proposed building materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and (ii) the proposed building materials are authorized by the City Council (with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee).

12. Quality landscaping is required in the BP-2 district. This shall include as a minimum the provision of deciduous, hardwood street trees along the front of the site. Such street trees shall be evenly spaced, where possible, and there shall be one tree for each forty (40) lineal feet of frontage on the street. Such street trees shall be located on the subject property, parallel to the road right-of-way. For all surface parking areas, a minimum of five square feet of landscaped area shall be provided within or adjacent to the parking lot for each parking space so as to minimize and reduce the apparent size of parking areas, to reduce glare and to provide shade. Each individual landscaped area shall be at least fifty (50) square feet in area, at least five feet in width and shall include at least one deciduous shade tree. Street trees shall have a minimum diameter of two and one half inches measured one foot above ground level, and shade trees shall have a minimum diameter of one and one-half inches measured one foot above ground level. Street trees shall have a minimum clear trunk height, when planted, of five feet. Shade trees shall have a clear trunk height, when planted, of sufficient height so as not to interfere with any traffic sight distance lines.

The use of earth sculpting or berms shall be encouraged, provided these are designed in an area of enough size so as to avoid erosion, drainage or maintenance problems.

Interior planting bed areas, which are used for the planting of trees, or which are used for landscaping treatment generally, may be treated with either grass and/or other types of ground cover or open spaced pavers on a sand and gravel base located beneath and surrounding trees and shrubs.

All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping by utilizing a sprinkler system, hose bibs and/or such other method of providing water.

All landscaped areas in parking areas or adjacent to parking or loading areas, or that can be encroached upon by a motor vehicle, shall be provided with an adequate, permanent curb as approved by the city engineer to restrict the destruction of the landscaped areas by vehicles.

Adequate scuppers and/or weep holes shall be provided through the curbing to permit drainage.

13. Site Plan Required. All applications for development in the BP-1 district shall include a site plan to be submitted to the zoning enforcement officer for review and approval. Submission requirements are outlined in Section 17.54.250. Special review (as outlined in subsection (C)(7) of this section) shall be required for uses on lots contiguous to I-255 and

Route 3.

(Ordinance No. 3665, Amended, 03/18/2024, Removed "Bed and Breakfast" from A-1 Item 23.; Ord. 3658, Amended, 12/04/2023, Section A-1: Added Entertainment Venue (Indoor) and Mobile Vending Business Park. Section A-2: Removed Outdoor Theaters.; Ordinance No. 2949, Added, 05/07/2012, Added Call Center, College or University and Institute to Section 17.54.030(A-1); Ordinance No. 2949, Added, 05/07/2012, Added Call Center, College or University and Institute to Section 17.54.030 (A-1); Ordinance No. 2899, Added, 09/19/2011, Added Churches to Section 17.54.030; A-2; BP-2; Zoning.; Ordinance No. 2821, Amended, 11/15/2010, Zoning 17.54.030(B11)(Business Park-2 (BP-2) Zoning District amended.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Codes to Columbia Building Codes.; Ord. 2377, Amended, 07/05/2005, Added Automobile Auction Business; 17.54.030 (Ord. 2192), Amended, 07/07/2003; 17.54.030 (Ord. 2175), Amended, 05/19/2003; 17.54.030 (Ord. 2154), Amended, 03/17/2003, Added Screening of Rooftop Mechanical Units Required.; 17.54.030 (Ord. 2134), Amended, 01/20/2003)

Section 17.54.040 Parking and loading requirements.

For every use, activity or structure permitted by the business park zoning districts and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants and users, whether as patrons, customers, employees, delivery personnel, guests or otherwise, to an establishment, or activity at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion in combination with the previously existing uses, structure or activity.

Every application for a new, enlarged or remodeled building, structure, or use shall include therewith, as specified further in Section 17.54.220, a parking site and landscape plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities and related site improvements and landscaping. (Ord. 1743 § 1 (part), 1999)

Section 17.54.050 Decreased parking demand.

When a building or structure undergoes a decrease in gross floor area, seating capacity, number of employees or other unit of measurement, the available off-street parking and loading facilities may be also reduced accordingly: provided, that existing off-street parking or loading facilities may be so decreased only when the parking or loading facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building, activity or structure as modified. (Ord. 1743 § 1 (part), 1999)

Section 17.54.060 Increased parking demand.

When any building or structure undergoes a change of use or any increase in gross floor area, seating capacity or other unit of measurement specified hereinafter, off-street parking or loading facilities should be increased to equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure as modified in use or capacity. (Ord. 1743 § 1 (part), 1999)

Section 17.54.070 Floor area defined.

The term "floor area" as employed in Sections 17.54.050 through 17.54.200 shall mean the total interior floor area of a building or structure measured at the inside face of the exterior walls, but excluding stairwells, elevator shafts, lobbies, and in multi-tenant buildings excluding permanent corridors and bathrooms located for common or public usage of the total building rather than for tenant or internal usage, and excluding space occupied by mechanical equipment or space related to the operation and maintenance of the building. (Ord. 1743 § 1 (part), 1999)

Section 17.54.080 Ingress and egress.

All entrances and exits to parking and loading areas from a public right-of-way shall be subject to specific approval by the city engineer in accordance with the site plan review requirements contained in Section 17.54.220 in order to ensure the smooth and safe circulation of vehicles to and from the public street system. In no event shall parking or loading spaces be provided in a manner requiring the backing out of vehicles into public rights-of-way. (Ord. 1743 § 1 (part), 1999)

Section 17.54.090 Location of parking or loading space.

All required off-street parking or loading spaces shall be provided on the same parcel of land as the use to be served. (Ord. 1743 § 1 (part), 1999)

Section 17.54.100 Design and maintenance standards for parking and loading facilities.

A. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

B. Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriate landscape.

C. Buildings, vehicular circulation and open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

D. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

E. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance, easily maintained and indicative of their function.

F. Ramps shall be provided giving access from parking areas to the building served, for disabled persons utilizing wheelchairs.

G. Parking facilities shall be landscaped in accordance with the specific development standards applicable to each of the business park zoning districts.

H. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access and shall be developed as an integral part of an overall site design.

I. Adequate parking spaces shall be specially designated for the parking of vehicles of disabled persons. Such spaces shall be twelve (12) feet wide and located close to the building entry. (Ord. 1743 § 1 (part), 1999)

Section 17.54.110 Size of parking spaces.

A. The following schedule of parking space and layout standards shall apply to all parking facilities provided in the business park zoning districts, in accordance with this chapter.

**Angle of Parking Row to
Driveway Aisle**

	30°	45°	60°	90°
Depth of parking row (in feet)		17	20	21 20
Width of parking space	9	9	9	10
Width of aisle	11	13	18	22 (1- or (1-way)(1-way)(1-way)2-way)

Parallel parking spaces shall be at least twenty-four (24) feet in length, and eight feet in width.

B. The city engineer may authorize the provision of up to thirty (30) percent of the required parking spaces to be designed and designated for small cars for those uses of a site or lot which have little turnover and are typically occupied all day or overnight. Such small car spaces may be nine feet in width if in perpendicular rows or eight feet if on an angle and sixteen (16) feet in length if perpendicular or proportionally shorter if angle parking. Approved small car spaces shall be grouped and clearly marked for small car use, rather than being scattered simply to solve layout difficulties.

C. The city engineer may approve the use of continuous curbs as wheel stops and thus measure the size of parking spaces to be two feet less in length than otherwise required. In such instances the parking layout should allow for the vehicle to overhang the curb by two feet and such overhang area must be clear of all obstructions (signs, trees, etc.) and may not be regarded as landscape area or pedestrian circulation space. (Ord. 1743 § 1 (part), 1999)

Section 17.54.120 Parking surface--Drainage and maintenance.

All off-street parking and loading areas in business park zoned districts in the City shall be constructed and maintained in accordance with the requirements of Sections 17.44.010 and 17.44.020 of Chapter 17.44 (OFF-STREET PARKING AND LOADING) of this Zoning code. Said off-street parking area and loading area standards are the minimum standards the City shall allow for off-street parking and loading area construction and maintenance in a Business Park Zoned District in the City.

(17.54.120 (Ord. 2191), Amended, 07/07/2003)

Section 17.54.130 Parking spaces--Markings.

All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation of the lot. (Ord. 1743 § 1 (part), 1999)

Section 17.54.140 Parking and loading areas-- Lighting.

Lighting shall be provided to illuminate any off-street parking or loading spaces to be used at night. If provided, the lighting shall be arranged and installed to deflect, shade and focus lights away from adjacent properties. The height, type, spacing and degree of cut-off of a light standard may be further regulated by the city engineer in relation to specific site conditions or types of development. (Ord. 1743 § 1 (part), 1999)

Section 17.54.150 Parking and loading areas-- Screening and landscaping.

Parking and loading areas in the business park zoning districts shall be screened and landscaped as specifically set forth in the development standards section for each business park zoning district. (Ord. 1743 § 1 (part), 1999)

Section 17.54.160 Number of entrances and exits to parking lots.

The city engineer shall approve the location and width of the entrance to and exits from every parking lot. There shall be not more than one entrance and one exit or one combined entrance and exit along any street unless same is deemed necessary by the city engineer for the alleviation of traffic congestion and interference of traffic movement along such street. (Ord. 1743 § 1 (part), 1999)

Section 17.54.170 Parking direction and regulation signs.

Parking direction and regulation signs may be provided in accordance with Section 17.54.250, showing the ownership of any parking lot and the permitted use thereof. (Ord. 1743 § 1 (part), 1999)

Section 17.54.180 Parking lot maintenance.

Any person operating or owning a parking lot shall keep it in clean and orderly condition and shall promptly remove the snow and ice from the surface of the parking lot. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. The city council shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area. (Ord. 1743 § 1 (part), 1999)

Section 17.54.190 Schedule of required parking spaces.

The following shall be the minimum number of accessory off-street parking spaces required for each land use, activity, building or structure permitted by this chapter. When the determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction of

one-half space or less should be disregarded and any fraction over one-half space shall count as one space. Parking spaces required on the basis of building floor area shall apply to gross floor area as defined herein unless otherwise specified. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty on the premises at any one time, which would include any overlap of employees at a change of shift.

A. Offices.

1. General offices: five parking spaces per one thousand (1,000) square feet of gross floor area for business or professional offices.
2. Veterinary offices, clinics and/or hospitals: four parking spaces for every doctor plus one space for every additional employee.

B. Research, Light Industrial, Warehousing and Distribution Uses.

1. Research facilities and laboratories (under the same ownership or management):
 - a. Less than one hundred thousand (100,000) square feet: three and one-third spaces for every one thousand (1,000) square feet of gross floor area up to fifty thousand (50,000) square feet, plus two and one-half spaces for every one thousand (1,000) square feet gross floor area over fifty thousand (50,000) square feet.
 - b. One hundred thousand (100,000) square feet or larger: three hundred (300) spaces plus two spaces for every three employees over four hundred (400) employees.
2. Manufacturing and fabrication: two spaces for every three employees on the maximum shift, plus one space for every vehicle customarily used in operation of the use or stored on the premises.
3. Warehousing and wholesaling, including direct mail advertising and mail order warehousing: two spaces for every three employees on the maximum shift, plus one space for every vehicle customarily used in operation of the use or stored on the premises.

C. Lodging, Commercial Retail and Service Uses.

1. Motels and hotels: one parking space for each sleeping room offered for tourist accommodation plus one additional space for every two persons regularly employed on the premises. Additional spaces shall be provided for restaurants or places of assembly within the development as scheduled elsewhere.
2. Indoor commercial retail businesses: parking or storage spaces for all vehicles used directly in the conduct of such business, plus six parking spaces for each one thousand (1,000) square feet of floor area and one space for every two full-time employees.
3. Restaurants and other eating and drinking establishments without drive-in or carry-out facilities: eighteen (18) parking spaces for every one thousand (1,000) square feet of floor area plus two parking spaces for each three employees.
4. Commercial greenhouses and nurseries: two spaces for every three employees on the maximum shift, one space for every vehicle customarily used in operation of the use or stored on the premises, plus five spaces for every one thousand (1,000) square feet of gross floor area of salesroom.
5. Equipment sales, service, rental and repair: three and one-third spaces for every one thousand (1,000) square feet of gross floor area.

D. Miscellaneous Uses.

1. Public or private utilities facilities: two spaces for every three employees on the maximum shift plus one space for every vehicle customarily used in operation of the use or stored on the premises.
2. Heliports: two spaces for every three employees on the maximum shift plus one space for every vehicle customarily used in operation of the use or stored on the premises.
3. Outdoor athletic fields: twenty (20) spaces for every diamond or athletic field, or one space for every four seats, whichever is greater. (One seat is equal to two feet of bench length).

4. Business, professional or technical schools: one space for every classroom and office plus two spaces for every three students.
 5. Bowling alleys: five spaces for every alley.
 6. Golf courses: ten spaces per each green.
 7. Golf driving ranges: two spaces for every tee.
 8. Gymnasium without bleachers or fixed seating (except as noted herein): one space for every one hundred (100) square feet of gross floor area.
 9. Handball, racquetball courts: three spaces for every court.
 10. Ice and roller rinks: one space for every one hundred (100) square feet of skating area or playing surface.
 11. Indoor soccer: fifty (50) spaces for every playing field, plus one space for every three seats of spectator seating (one seat equals two feet of bench length), plus two spaces for every three employees on the maximum shift, but in no case less than one hundred (100) spaces.
 12. Parks, playgrounds, picnic grounds: space equivalent to one percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.
 13. Recreation centers: three and one-third spaces for every one thousand (1,000) square feet of gross floor area.
 14. Swimming pools: two spaces for every one hundred (100) square feet of water area.
 15. Tennis courts: four spaces for every court.
 16. Agriculture operations, farm buildings: sufficient open land available for parking so that no vehicle need be parked on any street.
 17. Forest and wildlife reservations: sufficient open land available for parking so that no vehicle need be parked on any street.
 18. Entertainment venues (indoor): .38 spaces per maximum occupancy load as calculated by the International Building Code.
 19. Mobile vending business park: 3.75 spaces per 1,000 square feet of activity area + .38 spaces per maximum occupancy load (fixed seating and interior of structures) as calculated by the International Building Code.
- E. Other Uses. The city council (with the recommendation of the city planning commission and/or the city building inspector) shall determine to which of the preceding categories of parking regulation any unlisted use belongs, or determine appropriate standards to be added to this section by amendment whenever the above prove inapplicable.

(Ordinance No. 2658, Added, 12/04/2023, Section D: Added #18 & #19)

Section 17.54.200 Off-street loading requirements.

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors and trailers servicing any commercial, service or industrial use. The standards required for the provisions of such spaces are described herein. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided herein.

A. Area of Loading Berths or Space. A required off-street loading berth or space shall be at least twelve (12) feet in width and at least fifty (50) feet in length, exclusive of aisle and maneuver space, and shall have a vertical clearance of at least fourteen (14) feet.

B. Access to Loading Areas. Each required off-street loading space or berth shall be afforded a means of vehicular access to a street, highway, or alley in a manner which will least interfere with traffic movement as approved by the city engineer.

C. Surfacing. All off-street parking and loading areas in business park zoned districts in the City shall be constructed and maintained in accordance with the requirements of Sections 17.44.010 and 17.44.020 of Chapter 17.44 (OFF-STREET PARKING AND LOADING) of this Zoning Code. Said off-street parking area and loading area standards are the minimum standards the City shall allow for off-street parking and loading area construction and maintenance in a Business Park Zoned District in the City.

D. Location. All loading berths or spaces shall be located at the side or rear of the building served.

E. Schedule of Off-Street Loading Spaces.

1. Offices: one loading space shall be provided for each such use having greater than six thousand (6,000) square feet of gross floor space.

2. Industrial, warehouse, service and retail uses: every building or use of land consisting of over three thousand (3,000) square feet of gross floor area designed or adaptable for retail business purposes, or warehouse, wholesale, manufacturing or service business use shall be provided with loading space as follows:

Number of Loading

Total Gross Floor Area Spaces Required

Up to 15,000 sq. ft. 1 space

15,000 to 50,000 sq. ft. 2 spaces

50,000 to 100,000 sq. ft. 3 spaces

Each additional 100,000 sq. ft. 1 additional
space

3. Other similar uses: the city council (with the recommendation of the city planning commission and/or the city building inspector) shall determine to which of the above categories of loading regulation any specific use not listed above shall belong, or determine other appropriate standards for addition to this section by amendment whenever the above regulations prove inapplicable. (Ord. 1743 § 1 (part), 1999)

(17.54.200 (Ord. 2191), Amended, 07/07/2003, Item C Amended.)

Section 17.54.210 Environmental performance standards.

Every use in a business park zoning district shall comply with the provisions of Chapter 15.48 as those provisions pertain to: noise and vibration; smoke, odorous matter, toxic matter; radioactive materials; and fire, explosives, humidity, heat and glare.

A. Sanitary Sewers. Each use in a business park zoning district, with the exception of agriculture, shall be connected to the city's sanitary sewer system. All uses in the business park zoning districts shall conform to the laws, rules and regulations promulgated by the state of Illinois and federal agencies governing the pretreatment of waste streams prior to discharge into a publicly owned treatment works (POTW).

B. Stormwater Management, Retention and Drainage. Every use in a business park zoning district shall require approval of an erosion and stormwater run-off control plan prior to issuance of a building permit as outlined in Section 17.54.220(K). The purpose of this requirement is to minimize the harmful physical and economic effects of erosion and flooding from stormwater within the business park zoning district. This is to be accomplished through measures designed: (a) to mitigate erosion during and after construction or grading; and (b) the detention and controlled discharge of the differential run-off produced by development on a given site. The erosion and stormwater run-off control plan submitted as part of the site plan review (Section 17.54.220) must demonstrate the means by which the proposed

development will adequately control stormwater to comply with the city's policy that each use shall provide adequate detention to accommodate the ten to one hundred (100) year storm run-off and flow. (Ord. 1743 § 1 (part), 1999)

Section 17.54.220 Site plan review requirements.

A. Applicability. An application for site plan approval may be filed by any person submitting proof of a financial, contractual or proprietary interest in the property to be developed according to the submitted plan.

B. Site Plan Content. All applications for site plan approval shall be filed in the office of the zoning enforcement officer. The application for site plan approval shall contain the following information:

1. All applications shall be signed by the applicant and shall state the applicant's name and address.

2. The site plan shall include all necessary data and drawings in order that the zoning enforcement officer can determine whether the proposed use and development complies with the district requirements and that city departments affected by the project may assess the impact of the proposed development on public facilities and services and on the surrounding area.

3. The data and drawings required shall include, but not be limited to:

- a. North arrow;
- b. The location of the site and its relationship to surrounding uses, buildings and zoning;
- c. The location, size and use of each building on the site;
- d. The height, number of stories and form of the proposed building or buildings;
- e. The dimensions and area of the lot or site;
- f. The ratio of floor area to the site area (F.A.R.);
- g. The location of all existing trees over six inches caliper if deciduous or over six feet in height if evergreens and an indication of all such trees to be removed and all to remain;

h. Landscape plan including a detailed drawing to scale and schedule of all plant material to be provided or preserved by the plan including the size, location, type and method of planting for trees, shrubs and groundcovers as well as related site improvements such as walls, berms, fences, walk-ways, street furniture and lighting elements;

i. The location, general design and width of driveways, curb cuts and sidewalks;

j. Existing and proposed site grades at a minimum two feet contour intervals; if a site has less than five feet of elevation change, one-foot contours shall be required; contour lines shall extend fifty (50) feet off-site;

k. Erosion and stormwater run-off control plan;

l. The location, area and number of proposed parking spaces in relation to applicable parking regulations;

m. The general use and development of the site, including all recreation and open space areas, plazas, all major landscaping, and all buffering from adjacent activities or uses;

n. Existing and proposed on-site utilities including stormwater collection and detention, gas, electricity, cable TV service and telephone lines or substations;

o. The location and identification of any other proposed facilities or site improvements.

More specific submission requirements may be separately published as administrative regulations and filed with the city clerk. (Ord. 1743 § 1 (part), 1999)

Section 17.54.230 Signs.

It is the purpose of this section to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within the business park zoning districts in order to promote public safety, health and general welfare of the community. These regulations are specifically designed to:

- A. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the city;
- B. Prohibit hazardous and dangerous signs;
- C. Provide a desirable and uniform system of signage to enhance the overall function and appearance of the business park. (Ord. 1743 § 1 (part), 1999)

Section 17.54.240 Scope of sign provisions.

The provision of Sections 17.54.230 through 17.54.270 shall not apply to:

- A. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization;
- B. Real estate signs not exceeding six square feet in area, which advertise the sale, rental or lease of the premises upon which said signs are located only. These signs shall be removed within five days following the sale or lease of the property being advertised for sale or lease;
- C. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
- D. Signs erected inside a building not visible through windows. (Ord. 1743 § 1 (part), 1999)

Section 17.54.250 Permitted signs.

Within the business park zoning districts, only the following signs shall be permitted:

- A. Monument Signs. A monument sign is a type of sign in which the entire bottom of the sign is generally in contact with or in close proximity to the ground. It is not attached to a building but is erected upon or supported by the ground, a ground planter box, or similar low support structure. The total height of a monument sign measured from the ground to the top of the sign shall not exceed six feet. Masonry materials or other approved materials consistent with materials used on the building's exterior front facade are to be used for monument signs. One monument sign per lot shall be allowed in all business park zoning districts. The total outline area of the sign shall not exceed fifty (50) square feet. No sign shall be closer than ten feet from any property line.
- B. Directional Signs. Signs indicating directions for vehicular or pedestrian traffic or movement on a site shall be allowed upon approval of the zoning enforcement officer. One sign per entry/exit not exceeding nine square feet in size shall be permitted. Additional directional signs within parking lots and along driveways shall be allowed upon approval of the zoning enforcement officer.
- C. Identification Signs. One attached, nonilluminated sign not exceeding two square feet in size displaying the name, occupation and/or service located on the premises and the address shall be permitted.
- D. Directory Signs. For buildings or groups of buildings with multiple occupancies, a directory sign may be substituted in lieu of the allowable monument sign subject to review and approval by the street graphics committee. However, such directory sign shall be subject to the same square footage and material requirements as a monument sign. (Ord. 1743 § 1 (part), 1999)

Section 17.54.260 Prohibited signs.

The following signs and advertising devices are prohibited:

- A. Animated signs;
- B. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property;
- C. Any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color interfere with or be confused with any authorized traffic signal sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way;
- D. Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located;
- E. Any sign or advertising device such as banners and pennants affixed on poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and A- frames or other portable signs of like nature, and other similar contractions or techniques;
- F. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer;
- G. Flashing signs including electronic message centers; however, not including digital time and temperature signs involving only that information and no further or additional information of an advertising nature;
- H. Portable signs, signs not permanently affixed to the ground;
- I. Signs which contain characters, cartoons, statements, words or pictures of an obscene, indecent, prurient or immoral character. (Ord. 1743 § 1 (part), 1999)

Section 17.54.270 Sign lighting.

All signs permitted in the business park zoning district shall be illuminated only by way of ground-mounted floodlighting or by means of low intensity backlighting. No neon or similarly illuminated signs shall be permitted. Attached, illuminated lighting for restaurant, hotel and motel uses in the BP-2 zoning district shall be reviewed and approved on an individual basis by the city council (with the recommendation of the planning commission and/or the building inspector). (Ord. 1743 § 1 (part), 1999)

Section 17.54.280 Preemption.

Should any provision contained in Sections 17.54.230 through Section 17.54.270 of this chapter conflict with any provision of the city sign code, (Chapter 15.44 of this code) the provisions contained in this chapter shall control and shall preempt and take precedence over the conflicting provision in the sign code. (Ord. 1743 § 1 (part), 1999)

Section 17.54.290 Street standards.

Street lighting shall be provided along the entire length of roadways within the Business Park Zoning District in accordance with uniform fixtures approved by the City Council (with the recommendation of the Planning Commission and/or the Building Inspector). (Ord. 1743 § 1 (part), 1999)

(Ord. 2322, Repealed, 01/24/2005, Repealed 17.54.290 minimum street width and minimum street pavement width in BP District.)

Chapter 17.56**COMMERCIAL PARK ZONING CODE****Sections:**

17.56.010	Purpose and intent of commercial park (CP) zoning districts.
17.56.020	Commercial park (CP) zoning district created - Permitted uses and uses allowed only by special use permit.
17.56.030	Parking and loading requirements.
17.56.040	Decreased parking demand.
17.56.050	Increased parking demand.
17.56.060	Floor area defined.
17.56.070	Ingress and egress.
17.56.080	Location of parking or loading space.
17.56.090	Design and maintenance standards for parking and loading facilities.
17.56.100	Size of parking spaces.
17.56.110	Parking surface--Drainage and maintenance.
17.56.120	Parking spaces--Markings.
17.56.130	Parking and loading areas-- Lighting.
17.56.140	Parking and loading areas-- Screening and landscaping.
17.56.150	Number of entrances and exits to parking lots.
17.56.160	Parking lot maintenance.
17.56.170	Schedule of required parking spaces.
17.56.180	Off-street loading requirements.
17.56.190	Environmental performance standards.
17.56.200	Site plan review requirements.
17.56.210	Street standards.

Section 17.56.010 Purpose and intent of commercial park (CP) zoning districts.

The commercial park (CP) zoning district provides for the location of commercial businesses in a commercial park setting. The intent of this district is to accommodate a variety of retail businesses and commercial uses and their related activities at a scale and intensity of use that is compatible with the high quality development desired in strategically important sectors of the city. (Ord. 1742 § 1 (part), 1999)

Section 17.56.020 Commercial park (CP) zoning district created - Permitted uses and uses allowed only by special use permit.**A-1 Permitted uses.**

There is created the commercial park (CP) zoning district. The provisions governing the regulations, use and development of land located in a CP district shall be as follows:

1. Ancillary entertainment;
2. Antique malls;
3. Art galleries;
4. Assisted living homes;
5. Auditoriums;

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6. Bakery shops;
7. Banks;
8. Blueprinting and copying;
9. Business schools and business college;
10. Business service centers (including copy shops);
11. Caskets and casket supplies;
12. Churches;
13. Clothing sales;
14. Commercial banking, including freestanding automated teller machines;
15. Computer and software stores;
16. Convalescent homes;
17. Convention and trade show organizations;
18. Convention and visitors bureau;
19. Convention center;
20. Department stores;
21. Drug stores;
22. Dry-cleaning and laundry services;
23. Electric appliance stores and repair shops;
24. Fitness and recreational sports centers;
25. Food and beverage stores;
26. Food services and drinking places;
27. Fraternal organizations;
28. Furniture and home furnishings stores;
29. Gasoline stations (including gasoline stations with convenience stores);
30. Gift, novelty, and souvenir shops;
31. Graphic design and digital printing services;
32. Hair, nail, and skin care shops, including barber shops and beauty parlors;
33. Health and personal care stores;
34. Hotels, and motels, (no casinos allowed);
35. Household appliance stores and repair shops;
36. Jewelry and/or watch repair establishments;
37. Lounges, taverns, and pubs;
38. Luggage and leather goods stores;
39. Meeting places, including private and civic clubs and lodges;
40. Motion picture theaters;
41. Municipal buildings and facilities for governmental uses and purposes, proprietary uses and purposes, or combination of both government and proprietary uses and purposes;
42. Newsstands;
43. Nursing homes;
44. Office supplies and stationary stores;
45. Physical culture and health services;
46. Post offices;
47. Printing and lithography stores;
48. Public garages;
49. Public service facilities;
50. Real estate agencies;
51. Restaurants;
52. Schools;

53. Shoe and hat repair stores;
54. Sporting goods, hobby, book, and music stores;
55. Senior care homes;
56. Tan and therapeutic massage establishments;
57. Telephone call centers;
58. Ticket agencies;
59. Tobacco shops as ancillary use to larger facility;
60. Travel agencies.”

A-2. Uses permitted only by a special use permit.

The following uses shall be permitted in a CP (commercial park zoned district) in the city by special use permit only in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Boat dealers;
2. Car rental and leasing businesses;
3. Day care centers or day nurseries;
4. Golf courses and country clubs;
5. Lawn and garden equipment and supplies stores;
6. Marinas;
7. New car dealers;
8. Outdoor amusement and recreation industries;
9. Recreational vehicles, campers and trailer dealers - sales and service;
10. Spectator sports;
11. Sports teams and clubs;
12. Financial institution drive-up/drive-thru;
13. Outdoor theaters.

C. Conditions of Use. Except as otherwise noted herein, or provided for in other codes and ordinances of the city, all uses permitted in a CP district shall be subject to the following conditions:

1. All activities shall be conducted wholly within an enclosed area.
2. Special commercial sales promotions by licensed businesses may display goods outside their buildings during business hours only.

D. Height. The maximum structures height shall be forty (40) feet from the average grade elevation at building perimeter, and:

1. Shall have a State Fire Marshal approved sprinkler system installed when required by the State Fire Marshal; and
2. Shall maintain adequate systems to provide structures with emergency power for sprinkler systems, if required by the State Fire Marshal.

E. Lot Size. Every building hereinafter erected in a CP district shall be on a lot having an area of not less than one acre (forty-three thousand five hundred sixty (43,560) square feet) and a width at the established building line of not less than one hundred (100) feet.

F. Yard Areas. No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

1. Front Yard. Each lot upon which a building is constructed or enlarged shall have a front yard of not less than fifty (50) feet.

2. Side Yard. No side yard shall be required, except for a lot which abuts upon an R district, or upon an alley or street separating this district from an R. district. There shall then be provided a side yard equal to one-half of the front yard required in the abutting R district, or twenty (20) feet, whichever is more.

3. Rear Yard. There shall be a rear yard of not less than twenty (20) feet. A one-story accessory building may be located in the rear yard, provided the accessory building is not located closer to the rear lot line than either: (a) five feet adjacent and parallel to the rear lot line; or (b) the width of a utility easement on or adjacent to the rear lot line, whichever is more. The area between the accessory building and the rear lot line may be utilized for parking of vehicles and for loading and unloading of vehicles under roof.

G. Buffer Area. On lots abutting an R district, there shall be provided a twenty (20) foot wide planting strip, extending the length of the lot adjoining the R district planted with trees and shrubs to provide a dense screen at maturity. A planting strip plan must be approved by the city building inspector.

H. Off-Street Parking and Loading Facilities. Off-street parking and loading facilities shall be provided as required in Sections 1756.030 through 17.56.180.

I. Criteria for Establishing Gasoline Stations.

1. Gasoline stations may, in addition to the retail dispensing of vehicular fuels, offer to perform, as an accessory use, automotive maintenance, service or repair, including, but not limited to the sale and installation of lubricants, tires, batteries, and similar accessories for automotive vehicles. An automatic car wash may be allowed as an accessory use. Gasoline stations may also sell other merchandise not directly related to the maintenance, service or repair of automotive vehicles such as food, beverages and other convenience items normally found at convenience stores.

2. Gasoline stations must meet the following design criteria.

i. Canopies shall conform to the minimum building setback line.

ii. All exterior lighting shall be inwardly directed so that no direct lighting is cast off premises.

iii. The number of access cuts shall be minimized so as to encourage the optimum traffic movement and circulation patterns onto public roadways as determined by the city council.

3. Gasoline stations located in existing or proposed shopping centers shall provide an access interconnection plan to the city council for approval. Such gasoline

stations are encouraged to orient the service station towards the shopping center and not the adjoining streets. For purposes of this section, "orient towards" means the direction in which the pump islands and main building face. In any event, the following design criteria will apply:

i. The minimum setback of pump islands and canopies shall be fifteen (15) feet from any property line.

ii. A fifteen (15) foot landscaped area shall be provided between the building setback and public right-of-way. The area shall consist of a three-foot high barrier, using berms if feasible, and shrubs or trees (with a minimum diameter of two and one-half inches) distributed along fifty (50) percent of the entire frontage. A ten-foot wide area shall consist of at least fifty (50) percent live landscaping in the form of trees planted at twenty (20) foot intervals and intermittent shrub clusters.

J. Other Development Standards.

OLD (ITEM J-1 AMENDED BY ORDINANCE NO 2821 PASSED & APPROVED 11/15/2010)

1. Building Materials. The exterior walls of a building that is visible from any public right-of-way shall be constructed of one or more of the following materials: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; (g) stucco. All other exterior walls shall be constructed of one or more of the following materials: (a) the building materials authorized for exterior walls visible from a public right-of-way and/or (b) architectural cement blocks. Exterior building materials other than those listed are permitted, but only provided: (i) the proposed building materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and, (ii) the proposed building materials have been reviewed and approved by the City Council (with the advice and/or recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee), but shall not include any of the following materials: (a) metal siding (except architectural metal as in accent material); or, (b) cement blocks.

NEW 17.56.020(J1) (COMMERCIAL PARK (CP) ZONING IS CHANGED AND AMENDED TO READ AS FOLLOWS PER ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010:

1. Building Materials. The exterior walls of a building that is visible from any public right-of-way shall be constructed of one or more of the following materials: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; or (g) stucco. All other exterior walls shall be constructed of one or more of the following materials: (a) the building materials authorized for exterior walls visible from a public right-of-way and/or (b) architectural cement blocks. Exterior building materials other than those listed are permitted, but only provided: (i) the proposed building materials are authorized and approved by the Columbia Building Codes in effect at time of reference; and (ii) the proposed building materials have been reviewed and approved by the City Council (with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee), but shall not include any of the following materials: (a) metal siding (except architectural metal as in accent material); or (b) cement blocks.

2. Environmental Performance Standards. General environmental performance standards related to noise, vibration, storm water and flood management shall be met in accordance with Section 17.56.190.

3. Landscaping. Quality landscaping is required in a CP zoning district. This shall include as a minimum the provision of deciduous, hardwood street trees along the front of the site. Such street trees shall be evenly spaced, where possible, and there shall be one tree for each forty (40) linear feet of frontage on the street. Such street trees shall be located on the subject property, parallel to the road right-of-way. For all surface parking areas, a minimum of ten square feet of landscaped area shall be provided within or adjacent to the parking lot for each parking space to reduce the apparent size of parking areas to reduce glare and to provide shade. Each individual landscaped area shall be at least fifty (50) square feet in area, at least five feet in width and shall include at least one deciduous shade tree. Street trees shall have a minimum diameter of two and one-half inches measured one foot above ground level, and shade trees shall have a minimum diameter of one and one-half inches measured one foot above ground level. Street trees shall have a minimum clear trunk height, when planted, of five feet. Shade trees shall have a clear trunk height, when planted, of sufficient height so as not to interfere with any traffic sight distance lines.

4. Loading Areas. Any overhead doors, loading areas or loading docks shall be located on the sides or rear of the building. Uses will often have high visibility from major roadways as well as from the internal roads upon which they front. Therefore, the building design, orientation and landscaping shall be coordinated to adequately screen loading areas from both visual perspectives. The structure of building shall be set back a minimum of fifty (50) feet from the right-of-way.

5. Maximum floor area ratio (FAR): 0.45 percent.

6. Maximum site coverage: seventy-five (75) percent.

7. Maximum structure height: forty (40) feet.

8. Minimum lot size: One acre (forty-three thousand five hundred sixty (43,560) square feet).

9. Outdoor Storage. Outdoor storage of equipment or materials is not allowed.

10. Screening of Rooftop Mechanical Units Required. Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by enclosing the mechanical equipment in a mechanical penthouse.

11. Parking Requirements. Off-street parking and loading shall be provided in accordance with Section 17.56.030 and 17.56.180.

12. Site Plan Required. All applications for development in a CP district shall

include a site plan to be filed with the building inspector for his review and approval. Submission requirements are outlined in Section 17.56.200.

13. Yard and Setback Requirements. Notwithstanding anything in this chapter to the contrary, no building or structure shall be located closer than thirty (30) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, the structure or building shall be set back a minimum of fifty (50) feet from the right-of-way. In every instance, the first ten feet of the front yard setback from the right-of-way shall be provided with and maintained with landscaping, including but not limited to, deciduous shade trees planted at regular intervals. The minimum side and rear yards shall be twenty (20) feet, except as otherwise provided in subsection (F)(2) and (3) of this section. (Ord. 1742 § 1 (part), 1999)

K. Criteria for Establishing Cannabis Dispensaries.

1. At the time a cannabis dispensary is established, it shall be located no farther than one (1) mile from an interstate highway, as measured between the closest points of the interstate edge of pavement and dispensary property boundary.

2. At the time a cannabis dispensary is established, it shall be located at least 2,500 feet from public and private schools teaching pre-kindergarten through twelfth (12th) grade, as measured between the closest points of the school property boundary and dispensary property boundary.”

(Ordinance No. 3665, Amended, 03/18/2024, Removed "Bed and Breakfast" from A-1 Item 34.; Ord. No. 3523, Amended, 06/15/2020, Added K. Criteria for Establishing Cannabis Dispensaries; Ordinance No. 2821, Amended, 11/15/2010, Zoning 17.56.020(J1) Commercial Park (CP) Zoning District amended.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Codes to Columbia Building Codes.; Ordinance No. 2683, Amended, 10/06/2008, Added #31. Graphic design and digital printing services to 17.56.020 Permitted Uses.; 17.56.020, Added, 01/16/2006, Added 4 permitted uses: Assisted Living Homes, Convalescent Homes, Nursing Homes and Senior Care Homes. ; 17.56.020 (Ord. 2192), Amended, 07/07/2003; 17.56.020 (Ord. 2175), Amended, 05/19/2003; 17.56.020 (Ord. 2154), Amended, 03/17/2003, Added Screening of Rooftop Mechanical Units Required.; 17.56.020 (Ord. 2132), Amended, 01/20/2003)

Section 17.56.030 Parking and loading requirements.

For every use, activity or structure permitted by the commercial park zoning district and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants and users, whether as patrons, customers, employees, delivery personnel, guests or otherwise, to an establishment, or activity at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion in combination with the previously existing uses, structure or activity.

Every application for a new, enlarged or remodeled building, structure, or use shall include therewith, as specified further in Section 17.56.200, a parking site and landscape plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities and related site improvements and landscaping. (Ord. 1742 § 1 (part), 1999)

Section 17.56.040 Decreased parking demand.

When a building or structure undergoes a decrease in gross floor area, seating capacity, number of employees or other unit of measurement, the available off-street parking and loading facilities may also be reduced accordingly; provided, that existing off-street parking or loading facilities may be decreased only when the parking or loading facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building, activity or structure as modified. (Ord. 1742 § 1 (part), 1999)

Section 17.56.050 Increased parking demand.

When any building or structure undergoes a change of use or any increase in gross floor area, seating capacity or other unit of measurement specified hereinafter, off-street parking or loading facilities should be increased to equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure as modified in use or capacity. (Ord. 1742 § 1 (part), 1999)

Section 17.56.060 Floor area defined.

The term "floor area" as employed in this chapter means the total interior floor area of a building or structure measured at the inside face of the exterior walls, but excluding stairwells, elevator shafts, lobbies and in multitenant buildings excluding permanent corridors and bathrooms located for common or public usage of the total building rather than for tenant or internal usage, and excluding space occupied by mechanical equipment or space related to the operation and maintenance of the building. (Ord. 1742 § 1 (part), 1999)

Section 17.56.070 Ingress and egress.

All entrances and exits to parking and loading areas from a public right-of-way shall be required to be approved by the city engineer in accordance with the site plan review requirements contained in Section 17.56.200 in order to ensure the smooth and safe circulation of vehicles to and from the public street system. In no event shall parking or loading spaces be provided in a manner requiring the backing out of vehicles into public rights-of-way. (Ord. 1742 § 1 (part), 1999)

Section 17.56.080 Location of parking or loading space.

All required off-street parking or loading spaces shall be provided on the same parcel of land as is located the usage to be served by the parking or loading spaces. (Ord. 1742 § 1 (part), 1999)

Section 17.56.090 Design and maintenance standards for parking and loading facilities.

A. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

B. Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriate landscape.

C. Buildings, vehicular circulation and open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

D. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

E. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance, easily maintained and indicative of their function.

F. Ramps shall be provided giving access from parking areas to the building served, for disabled persons utilizing wheelchairs.

G. Parking facilities shall be landscaped in accordance with the specific development standards applicable to each of the commercial park zoning districts.

H. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access and shall be developed as an integral part of an overall site design.

I. Adequate parking spaces shall be specially designated for the parking of vehicles of disabled persons. Such spaces shall be twelve (12) feet wide and located close to the building entry. (Ord. 1742 § 1 (part), 1999)

Section 17.56.100 Size of parking spaces.

A. The following schedule of parking space and layout standards shall apply to all parking facilities provided in the commercial park zoning districts, in accordance with this chapter.

Angle of Parking Row to Driveway Aisle

	30°	45°	60°	90°
Depth of parking row (in feet)		17	20	21 20
Width of parking space	9	9	9	10
Width of aisle	11	13	18	22 (1- or (1-way)(1-way)(1-way)2-way)

Parallel parking spaces shall be at least twenty-four (24) feet in length, and eight feet in width.

B. The city engineer may authorize the provision of up to thirty (30) percent of the required parking spaces to be designed and designated for small cars for those uses of a site or lot which have little turnover and are typically occupied all day or overnight. Such small car spaces may be nine feet in width if in perpendicular rows or eight feet if on an angle and sixteen (16) feet in length if perpendicular or proportionally shorter if angle parking. Approved small car spaces shall be grouped and clearly marked for small car use, rather than being scattered simply to solve layout difficulties.

C. The city engineer may approve the use of continuous curbs as wheel stops and thus measure the size of parking spaces to be two feet less in length than otherwise required. In such instances

the parking layout should allow for the vehicle to overhang the curb by two feet and such overhang area must be clear of all obstructions (signs, trees, etc.) and may not be regarded as landscape area or pedestrian circulation space. (Ord. 1742 § 1 (part), 1999)

Section 17.56.110 Parking surface--Drainage and maintenance.

All off-street parking and loading areas in commercial park zoned districts in the City shall be constructed and maintained in accordance with the requirements of Section 17.44.010 and 17.44.020 of Chapter 17.44 (OFF-STREET PARKING AND LOADING) of this Zoning Code. Said off-street parking area and loading area standards are the minimum standards the City shall allow for off-street parking and loading area construction and maintenance in a Commercial Park Zoned District in the City.
(17.56.110 (Ord. 2191), Amended, 07/07/2003)

Section 17.56.120 Parking spaces--Markings.

All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation on the lot. (Ord. 1742 § 1 (part), 1999)

Section 17.56.130 Parking and loading areas-- Lighting.

Lighting shall be provided to illuminate any off-street parking or loading spaces to be used at night. If provided, the lighting shall be arranged and installed to deflect, shade, and focus lights away from adjacent properties. The height, type, spacing and degree of cut-off of a light standard may be further regulated by the city engineer in relation to specific site conditions or types of development. (Ord. 1742 § 1 (part), 1999)

Section 17.56.140 Parking and loading areas-- Screening and landscaping.

Parking and loading areas in the commercial park zoning districts shall be screened and landscaped as specifically set forth in the development standards section for each commercial park zoning district. (Ord. 1742 § 1 (part), 1999)

Section 17.56.150 Number of entrances and exits to parking lots.

The city engineer shall be required to approve the location and width of the entrances to and exits from every parking lot. There shall not be less than one entrance and one exit or one combined entrance and exit along any street unless same is deemed necessary by the city engineer to alleviate traffic congestion and/or interference with traffic movement along such street. (Ord. 1742 § 1 (part), 1999)

Section 17.56.160 Parking lot maintenance.

Any person operating or owning a parking lot shall keep it in clean and orderly condition and shall promptly remove the snow and ice from the surface of the parking lot. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. The city council shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed; including the replacement of any landscaping material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area. (Ord. 1742 § 1 (part), 1999)

Section 17.56.170 Schedule of required parking spaces.

The following shall be the minimum number of accessory off-street parking spaces required for each land use, activity, building or structure permitted by this chapter. When the determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction of one-half space or less should be disregarded and any fraction over one-half space shall count as one space. Parking spaces required on the basis of building floor area shall apply to gross floor area as defined herein unless otherwise specified. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty on the premises at any one time, which would include any overlap of employees at a change of shift.

A. Parking Requirements by Uses in a Commercial Park Zoning District.

Use	Number of Spaces Required
Appliance stores	1 for every 400 sq. ft. of floor area.
Automobile dealerships/ manufacturer franchises	1 for every 400 sq. ft. of floor area and 1 for every 3 employees.
Automobile service stations	2 for every service stall, plus 1 per 250 sq. ft. of floor area devoted to retail sales. The area designated for cars using the pump islands may be counted as parking space, if 1 space per gasoline pump is provided.
Banks and other financial institutions	1 for every 250 sq. ft. of floor area.
Convention centers	Parking based on specific uses within a facility and their corresponding requirements as specified in Sections 17.56.030 through 17.56.180.
Convention centers	Parking based on specific uses within a facility and

	their corresponding requirements as specified
	through 17.56.180.
Department stores	1 for every 250 sq. ft. of floor area.
Fast food restaurant	1 for every 100 sq. ft. of floor area, including outdoor areas used for business, and 1 for every 2 full-time employees.
Hospitals	1 for every bed, based on permitted bed occupancy, and 1 for every employee on regular work day shift (beds do not include bassinets).
Hotels and motels	1 for every living or sleeping unit, plus 1 additional space for every 2 persons regularly employed on the premises. Additional spaces shall be provided for restaurants or places of assembly within the developments as required elsewhere.
Lodges or association halls	1 for every 50 sq. ft. of floor area used for assembly, dancing or dining.
Medical buildings	1 for every 250 sq. ft. of floor area.
Mortuaries	1 per 8 seats in the chapel.
Other indoor commercial retail businesses not specifically covered in Sections 17.56.030 through 17.56.180	1 for all vehicles used directly in the conduct of the business, plus 6 for every 1,000 sq. ft. of floor area, plus 1 for every 2 full-time employees.
Pharmacies/retail	1 for every 250 sq. ft. of floor area.
Retail foot outlets and grocery stores	1 for every 250 sq. ft. of floor area.
Restaurants (other than fast food restaurants and/or drive-thru restaurants)	1 for every 250 sq. ft. of floor area, including outdoor area used for business, and 1 for every

2 full-time employees.

B. Other Uses. The building inspector shall determine which of the preceding categories of parking regulation any unlisted use belongs in, or determine and recommend to the city council appropriate standards to be added to Sections 17.56.030 through 17.56.180, whenever the strict application of said sections proves to be inappropriate for a particular site or a particular use. (Ord. 1742 § 1 (part), 1999)

Section 17.56.180 Off-street loading requirements.

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors and trailers servicing any commercial, service or industrial use. The standards required for the provisions of such spaces are described herein. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided herein.

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, trailers or other common carriers servicing any permitted use on a lot in a commercial park zoning district. The standards required for the provisions of such spaces are described in Section 17.56.190. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided herein.

A. Area of Loading Berths or Space. A required off-street loading berth or space shall be at least twelve (12) feet in width and at least thirty-five (35) feet in length, exclusive of aisle and maneuver space, and shall have a vertical clearance of at least fourteen (14) feet.

B. Access to Loading Areas. Each required off-street loading space or berth shall be afforded a means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement as approved by the city engineer.

C. Surfacing. All open off-street loading shall be improved with a compacted select gravel base and surfaced with asphaltic concrete or portland cement concrete in accordance with the standards set forth in Section 17.56.110 and approved by the city engineer.

D. Location. All loading berths or spaces shall be located at the side or rear of the building served.

E. Schedule of Off-Street Loading Spaces.

1. Industrial and/or Warehouse Businesses. Every building or use of land consisting of over three thousand (3,000) square feet of gross floor area utilized for warehouse, wholesale, manufacturing, or service business use shall be provided with loading space as follows:

Total Gross Floor Area	Number of Loading Spaces Required
Up to 15,000 sq. ft.	1 space
15,000 to 50,000 sq. ft.	2 spaces
50,000 to 100,000 sq. ft.	3 spaces
Each additional 100,000 sq. ft.	1 additional space

2. Other Similar Uses. The building inspector shall determine to which of the above categories of loading regulation any specific use not listed above shall belong, or determine other appropriate standards to be recommended to the city council for addition to this subsection or shall recommend to the city council the granting of a variance from the strict application of this subsection,

whenever the strict application thereof proves to be inappropriate for a particular site or a particular use. (Ord. 1742 § 1 (part), 1999)

Section 17.56.190 Environmental performance standards.

A. Sanitary Sewers. Each use in a commercial park zoning district, with the exception of agriculture, shall be connected to the city's sanitary sewer system. All uses in the commercial park zoning districts shall conform to the laws, rules and regulations promulgated by the state of Illinois and federal agencies governing the pretreatment of waste streams prior to discharge into a publicly owned treatment works ("POTW").

B. Stormwater Management, Retention and Drainage. Any person, firm, corporation or other entity proposing to construct buildings or develop land within a commercial park zoning district must first comply with the stormwater management ordinance of the city, as amended. No building or construction permits shall be issued by the city and no final plat and no improvement plans for a real estate development in a commercial park zoning district shall be approved by the city until a stormwater management plan has been approved by the city engineer as meeting the requirements of the stormwater management ordinance, or compliance is waived in accordance with and pursuant to such ordinance.

C. Noise. The following minimum noise standards must be complied with:

1. For purposes of measuring the intensity of frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The "C" network and the "slow" meter response of the sound level meter shall be used. Sounds of short duration, such as forge hammers, punch presses, etc., which cannot be measured accurately with the sound level meter, shall be measured with the impact analyzer as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact.

2. The sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any lot line, the maximum permitted decibel levels for the octave band as set forth in the following table:

Maximum Permitted Sound Pressure Level (in decibels)

Octave band

(cycles per second)

20 -- 75	79
75 -- 100	74
150 - 300	66
300 - 600	59
600 -- 1,200	53
1,200 -- 2,400	47
2,400 -- 4,800	41
Above 4,800	39

D. Vibration. The following minimum vibration standards must be complied with:

1. No activity shall cause or create a steady state vibration at any point on any lot line, with a displacement in excess of the permitted steady state vibration displacement for the frequencies as set forth in the following table:

Maximum Permitted Steady State Vibration

(Displacement in Inches)

Frequency

(cycles per second)

10 and below	.0008
10 -- 20	.0005
20 -- 30	.0003
30 -- 40	.0002
40 -- 50	.0001
50 -- 60	.0001
60 and over	.0001

2. No activity shall cause or create an impact vibration, at any point on any lot line, with a displacement in excess of the permitted impact vibration displacement for the frequencies as set forth in the following table:

**Maximum Permitted Impact Vibration
(Displacement in Inches)**

Frequency**(cycles per second)****MI**

10 and below	.0016
10 -- 20	.0010
20 -- 30	.0006
30 -- 40	.0004
40 -- 50	.0002
50 -- 60	.0002
60 and over	.0002

E. Smoke, Odorous Matter, Toxic Matter. The following minimum smoke, odorous matter, and toxic matter standards must be complied with:

1. The density of emission of smoke during normal operations shall not exceed Standard Smoke Chart No. 2, and the quantity of smoke shall not exceed a maximum of ten smoke units per hour per stack.

2. The maximum permitted emission of dust relating to combustion for indirect heating from any source shall not exceed the maximum number of pounds of dust per million British Thermal Units heat input per hour as follows: The maximum permitted emission shall be 0.50 pounds per minimum size plants producing a heat input of ten million or less British Thermal Units per hour and 0.15 for maximum size plants producing a heat input of ten thousand (10,000) million or more British Thermal Units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

3. The emission into the atmosphere of process dust or other particulate matter which is unrelated to combustion for indirect heating or incineration shall not exceed 0.50 pounds per one hundred (100) pounds of process weight or fifty (50) pounds for one hundred thousand (100,000) pounds of process weight. All intermediate values shall be determined from a straight line plotted on log graph paper.

4. The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lanes is prohibited.

5. The emission of toxic or noxious matter, whether solid, liquid or gaseous shall be so controlled that no concentration at or beyond lot lines shall be detrimental to or endanger the public health, safety, comfort, any other aspects of the general welfare, or cause damage or injury to property.

F. Radioactive Materials. Activities which require radioactive materials in any form are prohibited.

G. Fire, Explosives, Humidity, Heat and Glare. The following minimum fire, explosive

hazards, humidity, heat and glare standards must be complied with:

1. For the purpose of this section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified open cup flash points.

a. Class I includes slow burning to moderate burning materials. This shall include all liquids with an open cup flash point of one hundred eighty-two (182) degrees Fahrenheit or more.

b. Class II includes free burning to intense burning materials. This shall include all liquids with an open cup flash point between one hundred (100) degrees Fahrenheit and one hundred eighty-two (182) degrees Fahrenheit.

c. Class III includes materials which produce flammable or explosive vapors or gases under ordinary weather temperature. This shall include all liquids with an open cup flash point of less than one hundred (100) degrees Fahrenheit.

d. Class IV includes materials which decompose by detonation, including but not limited to all primary explosives.

2. Class I materials as defined above may be stored, manufactured, or utilized in manufacturing processes or other production.

3. Class II materials may be stored, manufactured, or utilized in manufacturing processes or other production only in accordance with the following provisions:

a. Such storage, manufacture or utilization shall be carried on only within buildings or other structures which are completely enclosed by incombustible exterior walls.

b. Such buildings or other structures shall either be set back at least forty (40) feet from any lot lines, or in lieu thereof, all such buildings shall be protected throughout by any automatic fire extinguishing system.

4. Any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any lot line. (Ord. 1742 § 1 (part), 1999)

Section 17.56.200 Site plan review requirements.

A. Applicability. An application for site plan approval may be filed by any person submitting proof of a financial, contractual or proprietary interest in the property to be developed according to the submitted plan.

B. Site Plan Content. All applications for site plan approval shall be filed in the office of the building inspector. The application for site plan approval shall contain the following information:

1. All applications shall be signed by the applicant and shall state the applicant's name and address.

2. The site plan shall include all necessary data and drawings in order that the building inspector can determine whether the proposed use and development complies with the district requirements and that city departments affected by the project may assess the impact of the proposed development on public facilities and services and on the surrounding area.

3. The data and drawings required shall include, but not be limited to:

a. North arrow;

b. The location of the site and its relationship to surrounding uses, buildings and zoning;

c. The location, size and use of each building on the site;

d. The height, number of stories and form of the proposed building or buildings;

e. The dimensions and area of the lot or site;

f. The ratio of gross floor area to the site area ("FAR");

g. The location of all existing trees over six inches caliper if deciduous or over six feet in

height if evergreens and an indication of all such trees to be removed and all to remain;

h. Landscape plan including a detailed drawing to scale and schedule of all plant material to be provided or preserved by the plan including the size, location, type and method of planting for trees, shrubs, and groundcovers as well as related site improvements such as walls, berms, fences, walkways, street furniture and lighting elements;

i. The location, general design and width of driveways, curb cuts and sidewalks;

j. Existing and proposed site grades at a minimum two feet contour intervals; if a site has less than five feet of elevation change, one-foot contours shall be required; contour lines shall extend fifty (50) feet off-site;

k. Erosion and stormwater run-off control plan;

l. The location, area and number of proposed parking spaces in relation to applicable parking regulations;

m. The general use and development of the site, including all recreation and open space areas, plazas, all major landscaping, and all buffering from adjacent activities or uses;

n. Existing and proposed on-site utilities including storm water collection and detention, gas, electricity, cable TV service and telephone lines or substations;

o. The location and identification of any other proposed facilities or site improvements.

More specific submission requirements may be separately published as administrative regulations and filed with the city clerk. (Ord. 1742 § 1 (part), 1999)

Section 17.56.210 Street standards.

Street lighting shall be provided along the entire length of roadways within a Commercial Park Zoning District in accordance with uniform fixtures approved by the City Council with the advice of the City Planning Commission. (Ord. 1742 § 1 (part), 1999)

(Ord. 2322, Repealed, 01/24/2005, Repealed part of Section 17.56.210 which establishes minimum street width right-of-way width and minimum street pavement width in Commerical Park Zoned District.)

Chapter 17.58

OFFICE PARK 1 ZONING CODE

Sections:

- 17.58.010 Purpose, vision and character of office park 1 (OP-1) zoning district.**
- 17.58.020 Permitted uses.**
- 17.58.030 Conditions of use.**
- 17.58.040 Yard areas.**
- 17.58.050 Building materials allowed for exterior walls.**
- 17.58.060 Screening of rooftop mechanical units required.**
- 17.58.070 Maximum floor area.**
- 17.58.080 Minimum lot size.**
- 17.58.090 Maximum site coverage and impervious surface.**
- 17.58.100 Maximum building size.**
- 17.58.110 Maximum structure height.**
- 17.58.120 Schedule of required parking spaces.**
- 17.58.130 Off-street parking and loading areas.**
- 17.58.140 Architectural theme.**

Section 17.58.010 Purpose, vision and character of office park 1 (OP-1) zoning district.

This district is intended to provide for certain low intensity office uses located near or in residential areas, and to provide a neighborhood friendly atmosphere. It is intended for areas which are important to the city from the standpoint of image and presentation.

The vision for this district is to create areas of the city which have low intensities of usage and are free of auto-dominated characteristics such as drive-through services, or large parking lots.

The character of such districts should be defined by the following qualities or features relative to other districts, such as: low density with minimal building heights, small parking lots, more landscaping, low vehicular densities, low lighting levels, and low ambient noise levels.

(17.58.010 (Ord. 1998), Added, 11/05/2001)

Section 17.58.020 Permitted uses.

Except as herein or in other codes and ordinances of the city is made and provided, no building or land shall be used, and no building shall be erected, structurally altered, or enlarged except for the following uses that are declared to be permitted in an OP-1 business district;

A. Administrative and support service offices to include those which provide the following services or engage in the following activities:

1. Collection agencies
2. Credit bureaus
3. Employment placement services

4. Investigation services

5. Telephone call centers

B. Finance and insurance offices which provide the following services or engage in the following activities:

1. Credit intermediation and related activities (except, pawn shops and pay day loan companies):

a. Credit card issuing

b. Financial transactions processing, reserve, and clearinghouse activities

c. International trade financing

d. Loans servicing

e. Money order issuance

f. Mortgage and non-mortgage loan brokers services

g. Real estate credit services

h. Sales financing services

i. Secondary market financing

j. Travelers' check issuance services

2. Securities, commodity contracts and other financial investments which provide the following services or engage in the following activities:

a. Commodity contracts brokerage services

b. Commodity contracts dealing services

c. Exchange clearinghouses, commodities or securities services

d. Financial investment activities: bank trust offices, escrow agencies, fiduciary agencies, stock quotation services, trust, fiduciary and custody activities

e. Gas lease brokers' services

f. Investment advice: planning and advisory services

g. Investment banking and securities dealing

h. Miscellaneous intermediation: investment clubs, mineral royalties, tax liens, venture capital

- i. Portfolio management
- j. Securities brokerage service
- k. Securities and commodity exchange services
- l. Stock quotation services

3. Insurance offices to include those which provide the following services or engage in the following activities:

a. Direct insurance carriers including those insuring:

- (1) Life, health and medical
- (2) Auto, bank deposit, mortgage guaranty, property and casualty (including homeowners), title warranty insurance
- (3) Fidelity, liability, malpractice, surety insurance
- (4) Deposit or share, produce warranty insurance

b. Insurance agencies and brokerages: selling annuities and insurance policies

c. Insurance related activities: claims adjusting, insurance adjusting, insurance plan administrative services, advisory services, rate making services

d. Reinsurance carriers

e. Third party administration of insurance and pension funds

4. Funds, trusts and other financial vehicles which provide the following services or engage in the following activities:

a. Sale of financial vehicles: closed-end investments funds, collateralized mortgage obligations (CMOs), face-amount certificate funds, real estate mortgage investment conduits (REMICs), special purpose vehicles, unit investment trust funds

b. Management of health and welfare funds: legal entities– funds, plans and/or programs organized to provide medical, surgical, hospital, vacation, training, and other health and welfare related employee benefits exclusively for the sponsor's employees or members

c. Management of insurance and employee benefit funds: pension funds and plans, retirement plans

d. Sale and/or management of insurance funds: legal entities to provide insurance exclusively for the sponsor, firm, or its employees or members. self-insurance funds and workers' compensation insurance funds included

e. Sale and/or management of open-end investment funds: investment funds, open-ended, money market mutual funds, open-ended

f. Sale and/or management of real estate investment trusts: (REITs)

g. Management of trusts, estates, and agency accounts: bankruptcy estates, personal investment trusts, private estates (administering on behalf of beneficiaries), testamentary trusts

C. Health care and social assistance offices which provide the following services or engage in the following activities:

1. Dentists

2. Health practitioners including: chiropractors, optometrists, mental health practitioners, physical, occupational and speech therapists, audiologists, acupuncturists, dental hygienists, denturists, dieticians, homeopaths, hypnotherapists, inhalation or respiratory therapists, midwives, naturopaths, registered or licensed practical nurses, podiatrists

3. Home health care services: home health care agencies, in-home hospice care services, visiting nurse associations

4. Medical physicians and surgeons

D. Information services and data processing services:
offices to include those which provide the following services or engage in the following activities (no towers, no monopolies, no service vehicle fleets allowed):

1. Internet access providers

2. Internet service providers

E. Offices for management of companies and enterprises which provide the following services or engage in the following activities:

1. Corporate, subsidiary and regional management

2. Management of companies and enterprises: administer, oversee and manage securities of the company or enterprise

3. Holding companies

F. Professional, scientific, and technical service offices which provide the following services or engage in the following activities:

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1. Accounting, tax preparation, bookkeeping and payroll services
2. Advertising agencies
3. Appraisal
4. Arbitration and conciliation
5. Architectural, engineering and related services, including landscape architecture
6. Building inspection services
7. Commercial photography and photographic services (non-retail)
8. Commodity inspector services
9. Computer systems design and related services
10. Computer facilities management services
11. Consulting services including:
 - a. Administrative management and general management consulting services
 - b. Human resources and executive search consulting services
 - c. Management consulting services
 - d. Telecommunications or utilities management services
 - e. Process, physical distribution and logistics consulting services
 - f. Scientific and technical consulting services including:
agriculture, biological, chemical, economic, energy, motion
picture, physics, radio, safety and security consulting
services
12. Consumer credit counseling services
13. Custom computer programming services
14. Display advertising and design and related services to advertising (no retail and no distributive services related to advertising)
15. Drafting services including: drawing plans and illustrations, etc.

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16. Engineering services including: civil, construction, environmental, mechanical

17. Geophysical surveying and mapping services

18. Graphic design services including: commercial art studios, corporate identifications (logos), medical art or illustration services

specialized design services: costume, fashion, float, fur, jewelry, shoe, textile (except independent theatrical costume designers)

19. Handwriting analysis services

20. Industrial design services

21. Interior design services

22. Offices of lawyers, notaries, paralegals, patent filing and searching services, process serving services, real estate, real estate title, abstract companies and insurance services, title abstract and real estate sales settlement offices

23. Marine surveyor services

24. Marketing research and public opinion polling

25. Media buying agencies and media representatives

26. Patent brokers

27. Pipeline or power line inspection (visual) services

28. Public relations agencies

29. Research and development in the social sciences and humanities

30. Surveying and mapping: includes cadastral, cartographic, geodetic, mapping, topographic

31. Translation and interpretation services

32. Weather forecasting

G. Real estate and rental and leasing offices to include those which provide the following services or engage in the following activities:

1. Lessors of non-financial intangible assets including: copyright works, assigning rights to assets including – patents, trademarks, brand names, franchise agreements

2. Lessors of non-residential buildings (except warehouses)

3. Lessors of residential buildings and dwellings: single-family homes, apartment buildings, town homes

4. Property managers of real estate: residential and non-residential

5. Real estate agents, appraisers, brokers, escrow agencies, fiduciaries and listing real estate services

(17.58.020 (Ord. 1998), Added, 11/05/2001)

Section 17.58.030 Conditions of use.

Except as herein, or in other codes and ordinances of the city is provided, all business uses permitted in an OP-1 neighborhood business district shall be establishments dealing directly with consumers and shall be subject to the following conditions:

A. The sale of foodstuffs or articles intended for human consumption on premises shall be limited to those normally found in offices, including beverages and food dispensing machines.

B. Small kitchens intended for the use of employees are permitted.

C. Establishments of the drive-in, drive-thru, and delivery variety are not permitted.

D. There shall be no manufacturing, assembling, processing, fabricating or treatment of products.

E. Any exterior signs displayed shall comply with the city sign code.

F. Business hours are subject to the approval of the City Council.

(17.58.030 (Ord. 1998), Added, 11/05/2001)

Section 17.58.040 Yard areas.

No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such buildings.

A. Front yard. A front yard of thirty (30) feet shall be required when all frontage between two (2) intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in an R district, all of which front on the same street between two (2) intersecting streets, there shall be established the same front yard setback as has been established in the abutting R district or twenty (20) feet, whichever is more.

B. Side Yard. No side yard shall be required except for a lot which abuts an R district, or for a corner lot which abuts an R district, or upon an alley separating this district from an R district. There shall then be provided a side yard equal to one-half ($\frac{1}{2}$) the front yard required in the abutting R district, but in no case, less than fifteen (15) feet. The same setback shall apply also if business buildings front the intersecting street, commonly referred to as the side street.

C. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that a one-story accessory building may be located thereon, except for the five (5) feet adjacent and parallel to the rear lot line or alley for the storage of motor vehicles and the unloading of vehicles under roof.

(17.58.040 (Ord. 1998), Added, 11/05/2001)

Section 17.58.050 Building materials allowed for exterior walls.

OLD (SUBSECTION 17.58.050 (BUILDING MATERIALS ALLOWED FOR EXTERIOR WALLS IN AN OP-1 OFFICE PARK-1 ZONED DISTRICT OF TITLE 17 ZONING - AMENDED BY ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010)

The following building materials, and none others, shall be allowed in the construction of the exterior walls of a building that is visible from any public right-of-way in an OP-1 Office Park-1 Zoned District in the City: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; and, (g) such other building materials as shall be: (i) authorized and approved by the Columbia Building Codes in effect at the time of reference; and, (ii) may be authorized by the City Council, with the advice and recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee. The design materials shall be used in such a way as to blend with the scale, color, and traditional architectural character of the district.

NEW 17.58.050 (BUILDING MATERIALS ALLOWED FOR EXTERIOR WALLS IN AN OP-1 OFFICE PARK-1 ZONED DISTRICT OF TITLE 17 ZONING IS CHANGED AND AMENDED TO READ AS FOLLOWS PER ORDINANCE NO. 2821 PASSED & APPROVED 11/15/2010:

The following building materials, and none others, shall be allowed in the construction of the exterior walls of a building that is visible from any public right-of-way in an OP-1 Office Park-1 Zoned District in the City: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; and (g) such other building materials as shall be: (i) authorized and approved by the Columbia Building Codes in effect at the time of reference; and (ii) authorized by the City Council, with the advice and recommendation of the City's Building Commissioner and the City's Architectural Review Committee. The design materials shall be used in such a way as to blend with the scale, color, and traditional architectural character of the district.

(Ordinance No. 2821, Amended, 11/15/2010, Subsection 17.58.050 (Building Materials allowed for exterior walls in an OP-1 Office Park-1 Zoned District) of Title 17 Zoning.; Ordinance No. 2714, Amended, 04/06/2009, Changed all references of BOCA Building Codes to Columbia Building Codes.; 17.58.050 (Ord. 2192), Amended, 07/07/2003; 17.58.050 (Ord. 2175), Amended, 05/19/2003; 17.58.050 (Ord. 1998), Added, 11/05/2001)

Section 17.58.060 Screening of rooftop mechanical units required.

Rooftop mechanical units must be screened. The screening shall have a minimum height equal to the height of the mechanical equipment required to be screened. Screening may be provided by extending the parapets of the building or structure on which the equipment required to be screened is located, or by construction and installation of a mansard roof to screen the mechanical equipment, or by

enclosing the mechanical equipment in a mechanical penthouse.

(17.58.060 (Ord. 2154), Added, 03/17/2003, Added Screening of rooftop mechanical units required and renumbered 17.58.060 to 17.58.130 to new numbering 17.58.070 to 17.58.140.)

Section 17.58.070 Maximum floor area.

The maximum first floor area ratio (F.A.R.) in an OP-1 zoning district is 0.25.

(17.58.060 (Ord. 1998), Added, 11/05/2001)

Section 17.58.080 Minimum lot size.

The minimum lot size in an OP-1 zoning district is one-half (1/2) acre.

(17.58.070 (Ord. 1998), Added, 11/05/2001)

Section 17.58.090 Maximum site coverage and impervious surface.

The maximum site coverage in an OP-1 zoning district is fifty percent (50%). The minimum pervious surface, defined as the natural surface which is permeable to water and typically used for landscaping and grass area is, therefore, fifty percent (50%).

(17.58.080 (Ord. 1998, Added, 11/05/2001)

Section 17.58.100 Maximum building size.

The maximum building size in an OP-1 zoning district is five thousand (5,000) square feet per above-ground floor.

(17.58.090 (Ord. 1998), Added, 11/05/2001)

Section 17.58.110 Maximum structure height.

The height of all buildings or structures in an OP-1 zoning district shall be determined by the average ground elevation at the building parameter and shall be limited to no more than two (2) stories, or not to exceed forty (40) feet in height, whichever is less. Basements are permitted for storage and uses not requiring additional parking.

(17.58.100 (Ord. 1998, Added, 11/05/2001)

Section 17.58.120 Schedule of required parking spaces.

One (1) parking space for every two hundred fifty (250) square feet of gross floor area of the principal building or structure on a lot in an OP-1 zoning district shall be the minimum parking space requirement in an OP-1 zoning district.

(17.58.110 (Ord. 1998), Added, 11/05/2001)

Section 17.58.130 Off-street parking and loading areas.

Off-street parking lots and loading areas in an OP-1 Zoned District must provide sufficient room for parking vehicle movements such that vehicles do not back into public streets. A minimum gross area of two hundred eighty (280) square feet per vehicle will accomplish this requirement. No driveway or curb cut shall exceed twenty-five (25) feet in width.

All off-street parking and loading areas in an OP-1 Zoned District shall be constructed and maintained in accordance with the requirements of Sections 17.44.010 and 17.44.020 of Chapter 17.44 (OFF-STREET PARKING AND LOADING) of this Zoning Code. Said off-street parking area and loading area standards are the minimum standards the City shall allow for off-street parking and loading area construction and maintenance in an OP-1 Zoned District in the City.

(17.58.130 (Ord. 2191), Amended, 07/07/2003; 17.58.120 (Ord. 1998), Added, 11/05/2001)

Section 17.58.140 Architectural theme.

Development within an OP-1 zoning district must have a unified architectural theme throughout the site, providing a harmonious, well planned appearance.

(17.58.130 (Ord. 1998), Added, 11/05/2001)

Chapter 17.60

MOBILE VENDING BUSINESS PARKS & PREMISES

Sections:

- 17.60.010 General purpose and intent.**
- 17.60.020 Applicability.**
- 17.60.030 Definitions.**
- 17.60.040 Reference Table of Zoning Permissions by District**
- 17.60.050 General Provisions for Mobile Vending Parks.**
- 17.60.060 Development Standards for Mobile Vending Parks.**
- 17.60.070 Off-Street Parking.**

Section 17.60.010 General purpose and intent.

Mobile vending business park can provide a unique setting for the service of food and merchandise in areas that are not typically serviced by a concentration of traditional restaurants or storefronts. A mobile vending business park can serve as vibrant public space where a variety of activities take place, but where the primary function is the sale of food and merchandise from a diverse array of vendors. While the operation of mobile vending business parks should contribute to the liveliness and vibrancy of the community, they must not be allowed to create a nuisance, thus the intent of enacting this title to protect the public health, safety and welfare and ensuring orderly development within the city.
(Ordinance No. 3657, Added, 12/04/2023)

Section 17.60.020 Applicability.

This Chapter applies to all mobile vending business parks installations and mobile vending premises within the City of Columbia's zoning jurisdiction.
(Ordinance No. 3658, Added, 12/04/2023)

Section 17.60.030 Definitions.

Applicant

Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business park license within the city as required by the code.

Application

An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business park license on a form provided by the City Clerk.

Accessible

A site, building, facility, or portion thereof that complies with 410 ILCS 25/1 Environmental Barriers Act and Americans with Disabilities Act of 1990, As Amended.

City Clerk

The City Clerk for the City of Columbia, or his/her designee.

City Special Event

Any outdoor or seasonal event including, but not limited to, a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle/vehicle ride, walk/run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and/or may require special consideration from any or all of the following City Departments: Columbia Police Department (CPD),

Columbia Fire Protection District (CFPD), Department of Public Works (DOPW), Columbia Emergency Medical Service (EMS), and Community Development Department (CDD).

Code

The Municipal Code of the City of Columbia, Illinois, as amended from time to time.

Commissary

A local health department permitted food establishment that acts as a base of operations for a mobile vending business. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease, and rubbish originating from the mobile vending business; facilities for filling a potable water holding tank in a sanitary manner.

License Year

May 1 through April 30 of a calendar year.

Licensed Premises

Real estate for which a mobile vending business premises license or mobile vending business park license has been issued.

Merchandise

Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.

Mobile Vending Berth

An *accessible* hard surface (concrete/asphalt) location designed in size with utilities for the operations of a mobile vending business.

Mobile Vending Business

A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the city.

Mobile Vending Business Park

A property on which multiple mobile vending businesses may operate at a single time, as permitted by Title 17 of the Code.

Mobile Vending Business Park License

An annual license issued by the City Clerk to operate a mobile vending business park in the City.

Mobile Vending Business Premises License

An annual license issued by the City Clerk to the owner or operator of a licensed premises, excluding mobile vending business parks, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.

Mobile Vending Permit

A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.

Mobile Vending Vehicle

Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.

Owner

When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.

Person

Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.

Restaurant

Any business establishment whose principal business (meaning 51% or more of sales) is the selling of unpackaged food to the customer in a ready-to-consume state for immediate consumption on or off premise.

Temporary Display Stand

A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

Ice cream truck

A self-contained motorized vehicle or self-contained enclosed trailer designed to be operated on the roadway, from which ice cream is sold.

(Ordinance No. 3658, Added, 12/04/2023)

Section 17.60.040 Reference Table of Zoning Permissions by District

Use	Agriculture 1 A-1	Residential							Commercial							Industrial I-1
		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	BP-1	BP-2	OP	CP	
Mobile Vending Business Park	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗
Mobile Vending Business Premises	✓	✗	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓
✓ = Allowed By-right ■ = Special Use ● = Special Use w/considerations ✗ = Prohibited																

(Ordinance No. 3658, Added, 12/04/2023)

Section 17.60.050 General Provisions for Mobile Vending Parks.

- K. It shall be unlawful to operate a mobile vending business park in the City of Columbia without having first obtained a mobile vending business park license, and without full compliance with the provisions of the code. Each mobile vending business park shall comply with all city, county, and state codes and regulations.
- L. The owner or operator of any mobile vending business park within the City of Columbia shall cause to be kept a record relating to the dates of operation for all mobile vending businesses that operate within the mobile vending business park. Such record shall be kept on an annual basis and a copy of the same shall be remitted to the City of Columbia Treasurer's office by the beginning of each licensed year in which such record was kept.
- M. No participating mobile vending business shall operate within a mobile vending business park without having first obtained a mobile vending permit as set forth in chapter 5 of the code.
- N. No mobile vending business operating within a mobile vending business park shall be allowed to operate within the mobile vending business park while in violation of any other provision of the code.

- O. Operating hours for any mobile vending business park possessing a liquor license pursuant to this code shall be governed by Section 5.20 (LIQUOR CODE) of the code.
- P. Operating hours for a mobile vending business operating within the boundaries of a mobile vending business park shall be in accordance with the operating hours of the mobile vending business park.
- Q. There must be a designated manager of the site that is responsible for the orderly organization of the mobile vending business park, the cleanliness of the site and the site's compliance with all rules and regulations during working hours. Contact information for the designated manager shall be made available to City.
- R. One on-premises sign is permitted at the entrance identifying the mobile vending business park. Each mobile vending business may have attached signage.
- S. Mobile vending business parks that have obtained the required mobile vending business park license are not subject to proximity restrictions relating to restaurants. All mobile vending businesses' operating within the boundaries of an authorized mobile vending business park shall be exempt from the prohibition from operating within seven hundred and fifty feet (750') of a restaurant as set forth in section 5.50.040(F) of the code.

(Ordinance No. 3658, Added, 12/04/2023)

Section 17.60.060 Development Standards for Mobile Vending Parks.

- A. A mobile vending business park shall be able to accommodate no less than two (2) individual mobile vending businesses within the mobile vending business park.
- B. Permanent restrooms shall be provided within the boundaries of the mobile vending business park. The number of restroom fixtures required shall be based on the occupant load of the mobile vending business park and in compliance with the Illinois Plumbing Code. At a minimum two (2) *accessible* restrooms shall be available for use within 200 feet of the *mobile vending berths*.
- C. A mobile vending business park must be clearly defined and separated from the patron parking area through the installation of a fence or other enclosure which maintains an open appearance.
- D. A mobile vending business park shall provide an *accessible* hard surface (concrete/asphalt) *mobile vending berth* for each individual mobile vending business that provides the following:
 - 1. An *accessible* route to and from the mobile vending business service area and the mobile vending business park's *accessible* elements/features.
 - 2. A minimum five (5) foot clear zone free of all obstructions around the mobile vending business.
 - 3. Mobile vending berth utility connections.
 - i. Mobile vending berths utilizing utilities shall be provided designated connections in conformance with the code for such utility.
 - ii. A mobile vending business is not allowed to operate a generator at the mobile vending business park unless emergency circumstances necessitate the need for use of a generator.
 - iii. A mobile vending business is not permitted electrical or water service other than from that connection which is specifically located at and designated for the intended *mobile vending berth* unless emergency circumstances necessitate the need for such utility service.
- E. Seating must be provided for patrons within the proposed site. Seating layout must be included in site plan.
 - 1. Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.

- F. In addition to conforming with requirements established by Section 15.04.032, a site plan shall be provided for review showing:
1. The zoning classification of adjacent sites; and
 2. A legal description of the platted lot of the proposed site and the boundaries thereof; and
 3. The location of each proposed permanent structure on the site and proposed locations of mobile vending businesses, and identification of any proposed outdoor entertainment locations; and
 4. The location of fire hydrants; and
 5. All pedestrian walks, accessible routes, patios and open areas for use by tenants or the public; and
 6. Location and number of provided seating and eating areas, including number of fixed seats and tables; and
 7. A schedule of the phasing of all improvements shown in the plan, if applicable; and
 8. Location, height, separation of buildings, including location of restrooms, and open space.

G. The mobile vending business park shall conform to the standards of the zoning district in which the development is located.

(Ordinance No. 3658, Added, 12/04/2023)

Section 17.60.070 Off-Street Parking.

Off-street parking facilities shall be provided as specified in Chapter 17.44 or as prescribed by the underlying zone district of the code, whichever is most restrictive.

(Ordinance No. 3658, Added, 12/04/2023)